



AMERICAN FARM BUREAU FEDERATION®

225 TOUHY AVENUE • PARK RIDGE • ILLINOIS • 60068 • (847) 685-8600 • FAX (847) 685-8896
600 MARYLAND AVENUE S.W. • SUITE 800 • WASHINGTON, D.C. • 20024 • (202) 484-3600 • FAX (202) 484-3604
Internet: <http://www.fb.com/>

206

May 17, 2000

USDA Forest Service
Content Analysis Enterprise Team ATTN: UFP
Building 2, Suite 295
5500 Amelia Earhart Drive
Salt Lake City, UT 84116

RE: Supplemental Comments on Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management

Dear Sir/Madam:

The American Farm Bureau Federation (AFBF) is the largest general farm organization in the United States, representing the interests of more than 4.9 million member families in all states and Puerto Rico. We had previously submitted comments on the draft Uniform Federal Policy, and now supplement those comments with additional information.

1. Additional Model Watershed Projects.

Farmers and ranchers are very interested in improving water quality in and around where they live and work. As we had mentioned in our previous comments, the cooperation of farmers and ranchers is vital to the success of any watershed effort. Voluntary programs are much more effective than regulatory, command-and-control programs. We are attaching to these comments two examples of producer initiated voluntary programs designed to improve water quality on a watershed basis. We commend these examples to you as models for you to follow in designing watershed-wide water quality programs.

In both cases, the programs were initiated by agricultural producers. The Utah Farm Bureau Federation and the California Farm Bureau Federation were both very instrumental in designing and promoting these programs within the state. They both engaged federal and state agencies at the outset, and obtained approval from these agencies to move forward with the programs. AFBF commends both the California and Utah Farm Bureaus for their initiative in taking a proactive approach to addressing water quality issues in their states, and we support their efforts. We hope that the federal agencies will also support these efforts by working within their framework within both California and Utah and elsewhere.

CAET RECEIVED

MAY 18 2000

206

2. State Unified Watershed Assessments Should Not Be Relied Upon to Prioritize Watersheds Pursuant to the Unified Policy.

We have received considerable input from state Farm Bureaus regarding the utility and reliability of state unified watershed assessments in determining watershed priorities. Based on that input, AFBF strongly recommends against using them as a basis for prioritizing watersheds to be addressed at the federal level pursuant to this draft policy.

In the first place, there was little time allowed for completion of these assessments, so many state lists were hastily put together. That affects their reliability and accuracy.

Secondly, the information requested in these assessments was not complete. The states were only asked to provide information regarding those watersheds considered to have problems, and the degree of those problems, rather than information on watersheds that might not have problems. By focusing on the negative aspects of watersheds, these assessments were skewed toward finding and describing problems, even if none exist. This calls into question the accuracy of these assessments and their utility in the draft federal unified policy.

We suggest that the federal agencies first get behind those projects currently underway, such as those in Utah and California, so long as federal lands are included within the watersheds. This approach would provide examples of success and thereby perhaps secure additional funding to address other watersheds.

We appreciate the opportunity to work with you to develop and implement this unified federal policy.

Sincerely,



Richard W. Newpher
Executive Director
Washington Office

CAET RECEIVED

MAY 18 2006

A Utah Strategy to Address Water Pollution From Animal Feeding Operations

Prepared by: The Utah CAFO Advisory Committee

Introduction and Background

The purpose of this strategy is to outline a process to achieve the goal of addressing existing manure management problems and water quality impacts in a manner that is most appropriate for each operator affected, and which can be implemented with reasonable cost and within reasonable time frames. Voluntary incentive-based approaches will be emphasized, so that other regulatory methods are used only for the largest facilities or where voluntary methods, over time, fail to solve pollution problems. It is important that long term goals and targets be established so everyone can work within those time frames to solve their problems in cost effective ways, such that the sustainability of Utah agriculture can be promoted.

Based upon water quality monitoring studies and other studies that have been conducted over the years, it has been determined that there are a number of Utah waters which do not meet water quality standards. There are many causes for these water quality impairments, but one source is runoff or other discharges from animal feeding operations. Considerable attention has been given on this issue recently, as evidenced by the recent issuance of a national unified animal feeding operation (AFO) strategy by the Environmental Protection Agency (EPA) and the U. S. Department of Agriculture (USDA).

A State of Utah strategy is important to determine what approach is best for the agencies and producers in Utah to use in addressing this issue. The unified federal strategy is important and is a useful guide to what might be appropriate for Utah, but we also realize that Utah is unique in many respects and the agricultural producers in Utah need to manage animal manure problems in a manner and time frame that is most appropriate here. Our goals are:

- To restore and protect the quality of our water for beneficial uses;
- Maintain a viable and sustainable agricultural industry and;
- To keep the decision making process on these issues at the state and local level.

Definitions

The term "animal feeding operation" (AFO) is defined in the Code of Federal Regulations 40 CFR 122.23 (b)(1) as a lot or facility where animals "have been, are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility."

CAET RECEIVED

MAY 18 2000

An AFO is a "concentrated animal feeding operation" or CAFO if it meets the regulatory definition of CAFO or if it is designated as a CAFO. A CAFO is defined in *40 CFR 122.23 appendix B* as "an animal feeding operation where more than 1,000 'animal units' (as defined by the regulation) are confined at the facility; or more than 300 animal units are confined at the facility and either one of the following conditions are met: pollutants are discharged into navigable waters through a man-made ditch, flushing system or other similar man-made device; or pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation."

In addition, the NPDES permit issuing agency may, after conducting an on-site inspection, designate an animal feeding operation of any size as a CAFO based on a finding that the facility "is a significant contributor of pollution to waters of the United States." A facility with 300 animal units or less, however, may not be designated as a CAFO under this authority unless pollutants are discharged from a man-made conveyance or are discharged directly into waters passing over, across or through the facility or that otherwise come into direct contact with the confined animals [40 CFR 122.23 (2)].

The regulations also provide that no animal feeding operation is a CAFO under the regulatory definition if it discharges only in the event of a 25-year, 24-hour or larger storm event.

A joint federal AFO/CAFO strategy has been developed and issued by EPA and USDA. That strategy calls for a general permit for CAFOs over 1000 animal units, but allows some flexibility by states to operate functionally equivalent programs. As per this strategy the State of Utah intends to issue permits to these large operations by January 2001. EPA also intends to revise their NPDES regulations to implement the federal strategy. We believe this state strategy to be functionally equivalent to the federal strategy.

This strategy has been developed by a CAFO Advisory Committee (Attachment I) comprised of representatives of agricultural commodity groups and other farm organizations, state and federal agencies, and other interested parties.

Utah Strategy

The key elements to address water pollution issues related to AFOs include:

- Information, education and training, research and demonstrations;
- Prioritization of watersheds impaired by pollutants associated with animal manure;
- Assessment of AFOs and CAFOs within those priority areas to determine which may be sources of pollution and identified as potential CAFOs;
- Permitting goals and objectives;
- Compliance milestones;

- Permit development;
- Testing, record keeping, and monitoring;
- Schedules and;
- Resources.

- **Information/education/training -**

There must be a significant effort to provide information to the agricultural community concerning several issues including, but not limited to:

- definitions of CAFO/AFO and CNMP
- current and proposed regulatory requirements
- what is acceptable and what is not
- methods to implement a CNMP and properly control animal wastes
- time frames available to solve problems
- funding sources and availability of technical assistance
- highlight good examples
- overall program / strategy goals and expectations

This effort must be cooperative including the involved governmental agencies as well as commodity groups to facilitate the flow of information. Farmer to farmer communication should be considered an important part of the information education component.

Many agencies and other groups are and will be involved in information and education for the agricultural community. For example, the Utah Association of Conservation Districts (UACD) has a statewide water quality specialist assigned to help the local districts more effectively deal with water quality issues. They have adopted a clean water strategy which will assist Utah's soil conservation districts to be proactive in providing local leadership to assist private land owners to reduce nonpoint source pollution.

The Utah Farm Bureau Federation has hired an on-farm assessment specialist to help producers evaluate their operations, identify solutions and implement improvements where needed.

An Education Committee has been formed to prepare an education plan and associated materials. The Education Committee includes the following groups: USU Extension Service (Chair), UDAF, UACD, NRCS, and DEQ. Workshops are being provided at various locations around the state to help producers understand the strategy, identify on-farm problems, identify technical and financial assistance and implement corrective actions where needed.

Research/Demonstration Projects. Ways need to be found to make animal manure a more useful resource. One idea being pursued in Cache Valley is a regional composting facility. Other areas deserving further attention include land application at proper agronomic rates,

CACT RECEIVED
MAY 18 2000

and the use of manure as an energy source.

- **Prioritize Watersheds**

Because resources are limited, focus should be on areas where there are the most severe water quality problems, where the number of animal manure problems are the greatest, and where the most can be accomplished for the resource investment. The state's 303(d) list and the Unified Watershed Assessment will be the beginning point to identify watersheds with significant problems, as well as data from other agencies indicating areas that should be high priority for initial action. Those involved in selecting priority areas include the Division of Water Quality (DWQ), State Department of Agriculture and Food, Natural Resource Conservation Service (NRCS), USU Extension Service, producer groups such as Dairymen's Association, Farm Bureau, Poultry Association, Cattlemen's Association, Utah Association of Conservation Districts, local soil conservation districts, and others as appropriate.

- **Assessment of On-farm Conditions**

Before any formal assessment is undertaken, producers in the State will be contacted to inform them of this effort. It is projected that all large operations (1000 au's or more) will initially be identified throughout the state. Also, an assessment of AFO's will be conducted first within the geographic areas that are identified as high priority, and then within the rest of the state. This assessment will focus on large operations and those which are or may be significant contributors of pollution. This would include all operations with greater than 300 animal units, and any other operations immediately adjacent to streams or other water bodies. The assessment may include location, types of animals, number of animals, proximity to nearest water body, potential pollution loading, receiving water, waste storage type and capacity, type of confinement, age of facility, etc. Producers would be notified of their status and what resources are available to assist them to take appropriate steps to address any issues that exist on their operation.

A subcommittee has been formed to develop a plan (Attachment II) for conducting the assessment. Membership of this subcommittee includes UACD (Chair), Dairymen's Association, Poultry Producers, Pork Producers, Cattlemen's Association, Farm Bureau, UDAF, DEQ, and NRCS. This assessment will be carried out using Section 319 funding. Producer groups and SCDs will be asked to assist with this assessment. On-farm assessors will receive training so they can all consistently identify unacceptable conditions which would make an operation a potential CAFO. They will also receive training in how to sell the Utah strategy and the importance of proper manure management. Their training will include gaining information on technical and financial resources to help producers. The assessment will include the severity of any water quality problems that may exist. In some

cases, inspection of facilities which may be significant sources of pollution will be scheduled and conducted later. The overall goal will be to update the assessment every five years, which could coincide with the watershed monitoring and planning cycle of the DWQ Watershed Approach, as resources allow.

The assessment will be completed according to the subcommittee's workplan within a period of two years. It is important that all potentially significant sources of pollution be identified for the program to be successful. The assessment will gather enough information to determine whether a facility may be a CAFO potential CAFO, or an AFO.

Those facilities identified in the initial assessments as having the greatest potential of pollution will be notified of the need for action and notified of technical and financial assistance that is available. Time frames should be roughly consistent with the joint federal strategy, however, some modifications may be necessary for the Utah situation. Up to five years will be allowed, after which designation as a CAFO would follow if problems are not resolved. It is proposed that each plan would be tailored to the individual producer, but in general, up to two years would be the time frame to complete a plan to correct unacceptable conditions and up to three years after the plan is prepared to implement the plan.

- **Permitting Goals and Objectives**

It has been mentioned that all of the larger CAFO's (>1000 au's) and some of the smaller operations with specified conditions will be required to obtain a Utah Pollutant Discharge Elimination (UPDES) Permit. The primary impetus for the issuance of these permits is to require good management practices and the development of a CNMP at the operations fitting the definition of a CAFO (*Utah Administrative Code, UAC R317-8-3.5*). The State recognizes that many of these operations are already operating with good environmental practices, however, it is still necessary to issue permits to all of the facilities fitting the definition of a CAFO in order to ensure that equality for all operations of this type has been established.

The permitting system will include provisions for enforcement response at facilities which are not in compliance with the State rules and regulations. The major objective of the enforcement response is to serve as a deterrent to negligent facilities for continuing an illegal procedure as well as removing any economic benefit for non-compliance. Failure to undertake the necessary provisions to be in compliance must be penalized in order to maintain a level playing field and give credence to those facilities who do act in compliance with State and Federal law.

Another element of the permitting system is the maintenance of documentation. The permit outlines requirements for compliance with State rules, including onsite documents which must be maintained, and required submission of documentation to the DWQ. Also, any

documentation prepared in association with permitting requirements is public information.

National estimates, as documented in the "Joint Strategy", are that only 5 percent of AFOs will be designated as CAFOs and be required to enter the regulatory system. If this is the case there will need to be extensive support from local resources (agricultural groups, Soil Conservation Districts, Extension Service, etc.) to support the voluntary program. It is hoped that these same local agencies will assist with the regulatory program in inspections and CAFO designation as well as sharing information and building a solid program. Facilities less than 1,000 au's can avoid a regulatory, permitting program entirely by voluntarily bringing their operations into compliance with State and federal rules. The Utah strategy emphasizes this voluntary compliance option and will provide time and technical assistance to accomplish it.

For some large non-discharging CAFOs in Utah, ground water discharge permits have been issued by the Division of Water Quality. These are considered to be functionally equivalent to a UPDES permit, and are more comprehensive and protective than a UPDES permit would be. Therefore, when a groundwater permit is in place, an additional separate UPDES permit may not be required.

Response to complaints would continue to be handled as per the current procedure. If a complaint is received with respect to an AFO, the individual producer would be contacted by the local health department or DEQ to determine the validity of the complaint. In the case of a serious problem, the agricultural partners (UDAF, DEQ, local health department, NRCS, a local soil conservation district representative, and UACD), would make a joint site inspection. If unacceptable conditions are found to exist, voluntary cooperation and correction would be sought from the producer, and a time frame would be given for correction. A follow up inspection would be made by the local health department, agriculture partners or DEQ to determine that the problem is either being corrected or that the agreed time frame for compliance is being met. If problems are not corrected within a reasonable amount of time, a notice of violation may be issued by DWQ. If there is a complaint on a facility which is permitted under an existing permit, a site visit would be conducted as described above. If a discharge is occurring in violation of the permit, a notice of violation would be issued by DWQ.

- **Compliance Milestones**

All large operations, except as stated above (greater than 1000 au's), will be required to maintain a general UPDES permit coverage. These operations are considered under the federal strategy to be a significant risk of pollution based on size alone. These permits would not have specific numeric effluent limits, but would require the implementation of a CNMP and prohibit any discharge of manure to waters of the State except in the event of a 25-year 24-hour storm event. For large facilities, or in water source protection areas, ground

water permits and/or construction permits could also be required.

Other facilities, between 300 and 1000 a.u.'s, which are significant potential sources of pollution, or smaller if there is a direct discharge (potential CAFOs as determined in the assessment process) would be so notified. These facilities would be given a time frame from the time of notification (two years) to prepare a plan to properly manage their animal manure. Then up to another three years will be provided to implement that plan and eliminate the potential for water pollution. This would provide time for the producer to take advantage of voluntary non-regulatory means to prepare and implement appropriate practices to correct unacceptable conditions. If these milestones are not met, then a more formal compliance program would be initiated via an individual permit or a general discharge permit coverage.

Immediate compliance action may be necessary when severe pollution problems exist anywhere in the State. These would include facilities with current discharges of wastewater to waters of the State. These operations would currently be in violation of the Clean Water Act and would be a high priority resolve their problems. Such action would be especially warranted where there have been problems over a long period of time or where there has been a failure to utilize assistance from available programs. The issuance of a Notice of Violation should be a last resort because if formal enforcement action is taken, that facility may become ineligible for most forms of federal government financial assistance, including 319 and EQIP.

AFOs will be encouraged to complete CNMPs under a voluntary program, as outlined in the federal strategy. CAFOs will be required to complete and implement CNMPs.

- **Permit Development**

The Utah State CAFO permit will be based upon the Federal effluent guidelines as established in 40 CFR. EPA has committed to produce a sample permit. The general provisions will require development of a CNMP and regulation of land application (nutrient balance).

Public notice of the preparation of the draft general permit will allow at least 30 days for public comment. The draft permit will be submitted for public notice after it has undergone review by the CAFO committee and internal review by the Division of Water Quality. The public notice is the vehicle for informing all interested parties and members of the general public of the contents of a draft UPDES permit. The main purpose of the public notice is to ensure that all parties have the ability to comment on the actions of the permitting agency.

An individual permit is specifically tailored for a single facility. Upon submitting the appropriate applications, the permitting authority develops a permit for that particular

operation based on the information contained in the permit application (e.g., type of activity, nature of discharge, receiving water quality). A general permit is developed and issued to cover numerous similar operations. General permits are a cost-effective option for agencies because of the large number of operations that can be covered under a single permit. Facilities would be required to submit a brief "Notice of Intent" application to the Division if they wish to obtain coverage under the general permit. The facility would then need to be in compliance with the permit conditions in order for the permit coverage to be authorized. These permits can be issued quicker and with less expense than an individual permit.

The initial round of permits to large operations may be covered under a general permit or may require individual permits. It is anticipated that general permits will comprise the vast majority of permits issued. This would depend on the historical compliance of the facility as well as significant environmental concerns that the DWQ may have with a given operation. Individual permits would include specific compliance schedules to address problems at a specific location. Individual permits may also be issued to facilities smaller than 1,000 au's in an impaired watershed.

All CAFO permits issued in Utah will be consistent with Clean Water Act requirements. Utah will try to issue permits addressing the concerns of the joint strategy within the constraints of these requirements

- **Testing, Record Keeping, and Monitoring (CNMP's)**

There are various types of monitoring which could be applied to CAFOs. First, the producer should conduct certain testing under the CNMP to document and verify that the nutrient management plan is successful. This would include periodic testing of manure for nitrogen and phosphorous, as well as similar testing of the soils where manure is applied. Testing of manure should occur yearly until average values can be obtained, and testing of soil at least every five years for perennial crops or yearly for annual crops. The producer should also keep records of the amounts of manure produced and applied to the land.

Secondly, the cooperating agencies will conduct periodic follow-up reviews to verify that the CNMP is being implemented and to provide assistance as appropriate. Regular reporting by the producer to a government agency would not be required unless a producer comes under a formal discharge permit.

Thirdly, DEQ may monitor adjacent surface waters to verify and document any improvement in the quality of those waters resulting from implementation of manure management practices. Under the DWQ's watershed monitoring program, each watershed in the state will be monitored intensively every five years.

- **Implementation Schedule**

Plan and implement additional outreach training and technical assistance-	Fall 1999 to spring 2000
Complete prioritization of watersheds -	May 2000
Training of AFO/CAFO Assessors-	May 2000
Final CNMP Guidance-	June 2000
Final General Permit-	July 2000
Develop large CAFO permittee list-	July 2000
Assessment of large AFO/CAFOs (larger than 1000 au's) -	January 2000 to December 2000
Round I UPDES permits issued as required for large CAFOs -	January 2001
Assessment of other AFOs-	January 2000 to August 2002
Planning to correct unacceptable conditions-	January 2000 and ongoing
Round II UPDES permits issued as needed-	January 2005 and ongoing
Completion of implementation activities to correct unacceptable conditions-	June 2007
Implement correction of unacceptable conditions in other watersheds -	December 2008
Initiate compliance activities as necessary -	ongoing

Overall schedule to prepare and implement CNMPs throughout the entire state will be approximately 12 years to coincide with the TMDL schedule.

- **Implementation Resources**

The resources needed to implement this strategy in Utah is a major issue, both for the producer as well as administrative agencies. Sufficient time must be provided for producers to determine and implement solutions to any problems, resulting in the most cost effective and protective solutions to assure the continued economic viability of the producers. The resources of administering agencies to provide education and technical assistance is limited, and the time frames for assessing, developing CNMPs, and providing assistance to develop those plans, must be such to recognize those available resources. Because of the administrative burden of issuing and administering UPDES discharge permits, as well as in recognition of the burden placed on permittees, the strategy is structured to minimize the number of permits which might need to be issued, and the number of producers under such permits. The resources of not only the state and federal agencies are important, but many other groups should assist in this program, especially in education and helping to develop

CNMPs.

A major concern has been the ability of NRCS or others to assist in correcting unacceptable conditions and in preparing the many CNMPs that will be needed. One solution to this dilemma may be to provide training to others, including producers themselves, in the preparation of such plans and allow producers themselves to prepare plans which could then be reviewed by NRCS and others. This type of streamlining will be needed even to meet the time frames outlined above. In addition, at least one year will be needed to develop training programs and criteria and provide training of specialists.

CAFO 03-01-00

UTAH FARM BUREAU

Clean Water Initiative Update

April, 2000

By Mark Petersen
Director, Water Quality Programs

Recognizing a significant threat to the sustainability of agriculture brought on by federal laws and regulations, Utah Farm Bureau made a decision to take a proactive approach to water quality issues facing Utah farmers and rancher. Utah Farm Bureau launched the new Clean Water Initiative early in 1999 by organizing the Clean Water Initiative Advisory Committee and hiring a full time Director of Water Quality Programs (DWQP). Fortunately for me, I was selected to be your DWQP to head up this new program. I was already acquainted with many of you from my 32 years with NRCS and have really enjoyed getting to know many more of you since I started in this position last May.

Over the past year, I have made PowerPoint presentations at meetings of 15 different agricultural organizations that have reached over 1100 people with our message. I have given on-site technical assistance to help 42 individual landowners evaluate their operations, identify water quality problems, and determine potential solutions.

A good part of my time has been representing you on the Utah CAFO Committee, which was organized by the Utah Division of Water Quality to help develop a Utah CAFO strategy. A "CAFO" is a "concentrated animal feeding operation. The purpose of developing a Utah CAFO Strategy is to outline a process that will allow landowners a reasonable time frame to address manure management problems without the heavy hand of regulation. We recognize that voluntary, incentive-based approaches are always more effective than costly regulatory approaches in addressing nonpoint source or diffuse pollution.

An important part of the Utah CAFO Strategy is an information and education program. I have helped teach 14 workshops for farmers and ranchers throughout the state with average attendance of 35 landowners and 5 government personnel at each workshop. These workshops are designed to help landowners understand how they will be affected by the regulations, what a Comprehensive Nutrient Management Plan (CNMP) is, alternative solutions to water quality problems, and where to go for technical and financial help. The workshops are a joint effort of Utah Farm Bureau, UACD, USU Extension Service, Natural Resources Conservation Service and Utah Department of Agriculture and Food.

Another important part of the Utah CAFO Strategy is an inventory and assessment of animal feeding operation in Utah. The plan calls for a commodity group inventory and assessment to determine the number and location of animal feeding operations (AFOs). A general permit will be issued by the Utah Division of Water Quality covering all CAFOs with 1,000 animal units or more. Facilities with less than 1,000 animal units will be given

CAFO RECEIVED

MAY 18 2000

time to voluntarily correct any unacceptable conditions causing pollution and thereby avoid the need for a permit.

With assistance from Farm Bureau and the Utah Association of Conservation Districts, the different livestock and poultry commodity groups will be starting the AFO inventory and assessment in 2000. The initial focus will be on facilities with 1000 or more animal units. The next focus will be AFOs located within priority watersheds with identified water quality problems that appear to be related to animal manure. We are currently in the process of prioritizing watersheds now.

Another activity I have been engaged in is working with existing watershed stewardship groups and helping to organize new groups. We have active stewardship groups in the Beaver River, Chalk Creek, Otter Creek, Spanish Fork River, Tri-Valley (Wasatch County), and Weber River Basin watersheds. We have organized new local watershed stewardship groups in the Upper Sevier River and Cub River watersheds. Both of these new groups have been able to get EPA-319 funding for demonstration projects. A new watershed stewardship group is starting up for the Sanpitch River watershed with the Sanpete County Farm Bureau as the sponsor. I have requests to help organize two more local watershed stewardship groups. A new demonstration project in Rich County is in the process of being implemented with a funding partnership between the local rancher and EPA and with technical assistance from NRCS.

I have also represented Farm Bureau at the Western Governors Association Meeting on TMDL regulations, the Association of State and Interstate Water Pollution Control Administrators meeting, the Utah NPS Task Force, and have reviewed and prepared comments on several EPA draft guidance documents. I have reviewed and prepared comments on the draft UPDES Permit and have worked with NRCS agronomists and engineers to draft standards and tools to help AFO owners develop CNMPs that are cost effective.

I have enjoyed this past year as your director of water quality programs. I look forward to a very successful 2000 and beyond as we swing in full implementation of the Utah Farm Bureau Clean Water Initiative. It is a big job, but our Initiative will make a very significant contribution to the effort to protect individual farmers and ranchers from regulatory overkill and keep the program on an incentive-based, voluntary track. The incentive-based, voluntary approach to pollution control depends on the willingness of farmers and ranchers to be proactive and take personal initiative towards cleaning up agricultural sources of pollution. Working together, we can achieve our goal of "clean water with a viable and sustainable agricultural industry."

CAET RECEIVED

MAY 18 2000

UTAH FARM BUREAU FEDERATION
Clean Water Initiative
Work Plan

Mark M. Petersen, Director, Water Quality Programs

1. Give direction to the development of programs that will maximize effectiveness of the Utah Farm Bureau Clean Water Initiative.
 - Develop a written work plan for the Clean Water Initiative and update as necessary.
 - Provide leadership to the Utah CAFO Committee to develop an AFO/CAFO inventory strategy and plan that emphasizes an incentive-based voluntary approach.
2. Implement and administer an effective program to inform and educate agricultural landowners about water quality issues associated with agriculture.
 - Prepare an effective educational presentation and make presentations at meetings of agricultural organizations and landowners.
 - Help prepare news articles for the Farm Bureau News.
 - Help prepare news articles for publication in newsletters of other cooperating organizations.
 - Participate in interviews for Countryside broadcasts.
3. Work with individual landowners, as invited, to do on-site evaluations of their operations, identify existing or potential sources of non-point source pollution, and encourage them to consult with technical experts to develop practical solutions.
4. Provide a bridge between landowners and existing agency technical expertise and incentive-based programs.
 - Identify existing demonstration projects and assist in coordinating tours and other educational opportunities for landowners with similar problems.
 - Identify where additional demonstrations are needed, and coordinate with landowners and appropriate agency personnel to design and implement them.
5. Assist in the formulation and effective functioning of local Watershed Stewardship Groups.
 - Work closely with existing local watershed stewardship groups, including the local CRMP steering committees of the Beaver River, Chalk Creek, Otter Creek, Spanish Fork River, Upper Sevier River, Tri-Valley, and the Weber River Watersheds.
 - Identify priority watersheds where no stewardship group has been formed, and work with county Farm Bureaus and partner organizations to formulate local watershed stewardship groups where needed and desirable.
6. Work with state and federal agencies to monitor and evaluate the effectiveness of BMPs in reducing agricultural related non-point source pollution.
 - Provide technical expertise and input to assist the UDWQ in developing realistic and appropriate monitoring plans for priority watersheds.
 - Provide technical expertise to the Utah NPS Monitoring Work Group to evaluate the effectiveness of BMP in solving agricultural related water quality problems.
7. Evaluate the overall effectiveness of the Utah Farm Bureau Clean Water Program.

COPIES RECEIVED

MAY 18 2000

UTAH FARM BUREAU CLEAN WATER INITIATIVE

206

Initiative Mission Statement

To organize and conduct a statewide, landowner-based project to assist landowners to identify and reduce non-point source pollution through voluntary, incentive-based programs. The initiative will work cooperatively with other farm and ranch groups, USU Extension Service, Utah Association of Conservation Districts, Utah Department of Agriculture and Food, Utah Division of Water Quality, USDA Natural Resource Conservation Service and others who share the initiative's goals.

Structure

Initiative Advisory Committee

Ken Ashby, Chairman

3 Farm Bureau leaders who are livestock producers

1 rancher representing the Utah Cattlemens Assn

1 dairyman representing the Utah Dairymens Assn

1 pork producer representing the Utah Pork Producers Assn

1 sheep producer representing the Utah Wool Growers Assn

1 water quality specialist representing USU Extension Service

1 water quality specialist representing Utah Assn of Conservation Districts

Dr. Norris Stenquist, retired USU Extension Livestock Specialist

Kim S. Christy, Committee Secretary

C. Booth Wallentine, ex-officio

Committee Resource Persons: George Hopkin, UDAF

Don Ostler, or designee - UDEQ-DWQ

Phillip Nelson, State Conservationist, NRCS
or designee

This committee will meet as needed at the call of the chairman to review progress of the initiative and advise the UFBF board of directors and officers on ways to accomplish the initiative mission statement. The committee will assure a farmer-friendly, proactive project which will maximize cooperation among all parties.

Initiative and Committee Staff

The initiative will be administered under the direction of the UFBF board of directors, with advice and recommendations from the advisory committee, through the UFBF Executive Vice President/Chief Administrative Officer and the Vice President-Public Policy.

Primary staff leadership for the initiative will be provided by a full-time Director-Water Quality Programs (DWQP) who will report administratively to the Vice President-Public Policy. Allocation of work time for the Vice President-Public Policy, Public Policy Assistant, Executive Vice President, three Regional Managers and other employees will enhance the effectiveness of the initiative.

CALL RECEIVED

MAY 10 1994

Initiative Time Table

- July, 1998 - Review concept of the program with UFBF board of directors and obtain approval for applying for a federal grant to help fund the initiative
- August-September, 1998 - Prepare and submit grant application and refined work plan for the initiative and for \$85,000 in federal Clean Water Act Sec. 319 cost-sharing funds. UFBF must cost-share at 40 percent level, with in-kind funds acceptable. Prepare position description for DWQP
- December, 1998 - Receive approval of grant funds from state Non-point Source Pollution Task Force and EPA. Received notification that funds will be available about April 1, 1999, with up to a 5-year life, but renewable annually
- January 1-15, 1999 - Advertise extensively for applicants, receive applications
- January 15, 1999 - Close application period
- Jan. 28-Feb. 15, 1999 - Screen applicants, interview potential candidates and, if possible, select a DWQP
- March 15, 1999 - Starting date for DWQP if assurance of funds availability as of April 1 is received. Under this scenario, the first 15 days would be paid from existing UFBF budget. If no announcement of grant funds availability is made by this date, employment starting date for DWQP will be delayed until funds are received and the final contract is signed

DWQP Support Functions

- Office: - The DWQP will office in the Farm Bureau Center in the office now occupied by the Vice President-Farm Safety so as to be close to the Vice President-Public Policy and Executive Vice President and Public Policy Assistant. The Vice President-Farm Safety will be re-located to an office near the board room
- Fleet Vehicle - The DWQP will utilize a leased fleet vehicle under the existing Operating Policies approved by the board of directors
- Employee Benefits - The DWQP will be eligible for all board-approved employee benefits now offered to UFBF employees. However, some flexibility may be necessary, based on the DWQP's personal needs, but within the limits of dollar values of benefits provided to other UFBF personnel

ONLY RECEIVED

MAY 18 2000

Work Plan

- As this initiative planning has unfolded, it has become clear that **during the initial phase of the initiative**, much office work will be necessary for the DWQP to collect data, become more familiar with TMDL values in Utah's waters, etc.

It is estimated that the first three months of the initiative will be largely devoted to developing cooperative relationships, collecting data and developing specific goals for the initiative. After that time, a large majority of the DWQP's work time will be spent in the field, working directly with livestock producers and other farmers and ranchers who need assistance to develop individual *Comprehensive Nutrient Management Plans* (CNMPs), a requirement of proposed new federal rules.

Additionally, any federal or state grant requires periodic accountability reports to the granting agency to assure compliance with the terms of the grant contract. Also, extensive record-keeping will be required for each farmer's or ranchers' CNMP that the DWQP is working on to assure completion, keep track of cost-sharing funds, etc.

How Big is the Job

Big! But not so big that we can't make a very significant contribution to the effort to protect individual farmers and ranchers from regulatory overkill and keep the program on an incentive-based, voluntary track. **(The incentive-based, voluntary approach to this non-point source pollution control program depends on the willingness of farmers and ranchers to be proactive and take personal initiative towards cleaning up farm sources of pollution).** The *Utah Farm Bureau Clean Water Initiative* has the potential of elevating the Farm Bureau organization's profile with both farmers and ranchers and the general public. More importantly, the initiative can help farmers and ranchers stay in business, resolve some of the existing non-point source pollution problems, and improve management practices of some producers so as to prevent new pollution problems, thereby improving the producers' profitability.

A significant portion of the total Utah Farm Bureau and county Farm Bureau program of work must be modified to shift a high level of organizational focus to this *Clean Water Initiative* if it is to be successful.

206

CALIFORNIA DAIRY QUALITY ASSURANCE

Bill Pauli, President
California Farm Bureau Federation

December 16, 1999

Dear Mr. Pauli,

As representatives of the California Dairy Quality Assurance Program, we take this opportunity to thank you, for both your efforts and the contributions of the California Farm Bureau Federation.

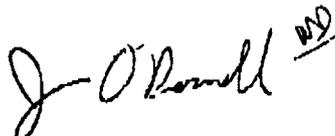
Enclosed is a copy of the Partnership Agreement which you signed in September. Looking over the signatory page, we are gratified and still somewhat surprised at the breadth of the alliance involved. Certainly this document represents a level of state, federal, university and industry cooperation not previously seen in environmental efforts. With each organization bringing to the project its unique experiences and resources, the partnership's potential for leveraging results is almost unlimited.

Already the program has had real tangible efforts. More than 1,200 dairy producers have attended at least one class of the environmental stewardship short-course. More 500 producers have completed the three-class series. An aggressive short-course schedule continues next year, making it available to every dairy producer in the state who wishes to attend. As research allows us to develop new techniques for sustainable dairy farming, additional short courses will be offered.

A "check-list" which consolidates state, federal and local environmental regulations has been drafted and beta-tested on 12 commercial dairies. A single document bringing together these obligations has never, until now, been available to California producers. The most technically demanding effort undertaken by the program, the checklist took six months and many drafts to complete.

With a generous grant from the U.S. Environmental Protection Agency we will begin to evaluate and certify dairy facilities in the first year of the new millennium. Using the checklist, third party evaluators from the California Department of Food and Agriculture will offer enormously important assistance to producers. In identifying sub-optimal management practices and physical plant deficiencies, they should both lighten an over-burdened regulatory system, while at the same time, help producers avoid regulatory entanglements.

We anticipate great success with the program in the coming year. We are deeply grateful for the part you have played in allowing it to happen.



Joseph A. O'Donnell PhD
Executive Director
California Dairy Research Foundation

Program Facilitator
California Dairy Quality Assurance Program



Michael Payne DVM, PhD
Assistant Director, Western Region
Food Animal Residue Avoidance Databank

Program Manager
California Dairy Quality Assurance Program

RECEIVED

MAY 18 2000

206

**DAIRY WASTE MANAGEMENT:
AN INTEGRATED APPROACH TO
EDUCATION AND COMPLIANCE**

A partnership agreement between:

**the State of California,
various Federal Agencies,
the University of California,
and the
California Dairy Industry**

Signing completed
at a ceremony held at

The University of California, Davis campus

September 9, 1999

DATE RECEIVED
MAY 18 2000

206

The California Dairy Quality Assurance Program (Environmental Stewardship component)

Partnership Agreement Summary

This "Partnership Agreement" is to formalize a cooperative agreement between the California Dairy Quality Assurance Program (CDQAP), the University of California Cooperative Extension (UCCE), the California Department of Food and Agriculture (CDFA), the California Environmental Protection Agency and the State Water Resources Control Board (Cal-EPA-SWRCB), the California Resources Agency and Department of Fish and Game (CRA-DFG), and three organizations within the United States Department of Agriculture: Animal Plant Health Inspection Service (APHIS), the Natural Resources Conservation Service (NRCS), the Farm Services Agency (FSA), and Region 9 of the United States Environmental Protection Agency (US-EPA).

The purpose of this Partnership Agreement is to support the Environmental Stewardship component of the CDQAP as a voluntary, cooperative government and industry education/facility evaluation program. The program's objective is to assist California dairy producers in meeting all federal, state, regional and local requirements relating to manure and nutrient management. The program's ultimate goal is to help ensure a healthful environment for the people and wildlife of the state of California. The program core components include continuing education workshops for producers, the creation of Environmental Stewardship Farm Management Plans tailored to each dairy, and on-site evaluation by a third party.

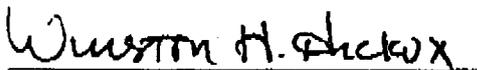
Each of the participating State and Federal agencies will support the partnership to the extent that it does not conflict with any agency's statutory and regulatory obligations. The parties to the Partnership Agreement recognize their related interests and by mutual agreement will create a framework to enhance public and environmental health in the State of California. Industry organizations supporting this agreement include: California Dairy Research Foundation, California Farm Bureau Federation, California Manufacturing Milk Advisory Board, California Milk Advisory Board, Milk Producers Council, and Western United Dairymen. Technical support including education and training is being provided by the University of California, Davis.

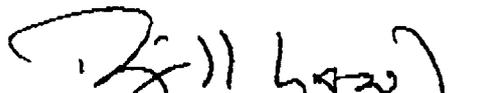
OACT RECEIVED

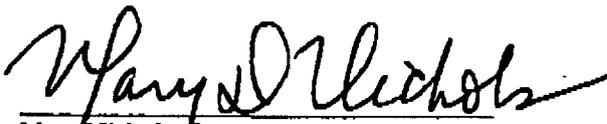
MAY 18 2000

206

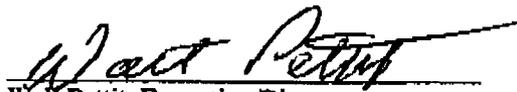
Environmental Stewardship Partnership Agreement Signatories

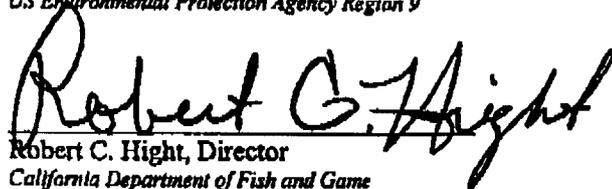

Winston Hickox Secretary
California Environmental Protection Agency

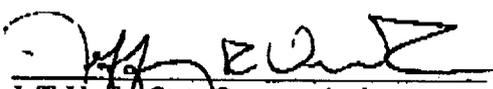

William (Bill) J. Lyons Jr., Secretary
California Department of Food and Agriculture

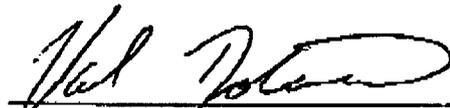

Mary Nichols, Secretary
The California Resources Agency


Felicia Marcus, Regional Administrator,
US Environmental Protection Agency Region 9


Walt Pettit, Executive Director
State Water Resources Control Board

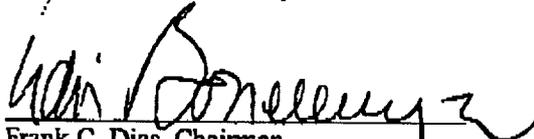

Robert C. Hight, Director
California Department of Fish and Game


Jeff Vande, State Conservationist
USDA Animal Resources Conservation Service


Val Dolcini, State Executive Director
USDA Farm Services


Paul O. Ugstad, Area-Vet.-in-Charge
USDA Animal Plant Health Inspection Service


W. R. Gomes V.P. Ag. and Natural Resources
University of California


Frank C. Dias, Chairman
California Manufacturing Milk Advisory Board


Bill Pauli, President
California Farm Bureau Federation


Ray Souza, President
Western United Dairymen


Bob Feenstra, Executive Director
Milk Producers Council


Charles Ahlem, Chairman
California Dairy Quality Assurance Program

CAET RECEIVED

MAY 18 2000

206

PARTNERSHIP AGREEMENT
 between the
CALIFORNIA DAIRY INDUSTRY ORGANIZATIONS
 which are members of the
CALIFORNIA DAIRY QUALITY ASSURANCE PROGRAM
(ENVIRONMENTAL STEWARDSHIP COMPONENT)
 and
FEDERAL AND STATE AGENCIES

I. Agreement to Establish Partnership

This "Partnership Agreement" (PA) is to formalize a cooperative agreement between the California Dairy Quality Assurance Program (CDQAP), the University of California Cooperative Extension (UCCE), the California Department of Food and Agriculture (CDFA), the California Environmental Protection Agency and the State Water Resources Control Board (Cal-EPA-SWRCB), the California Resources Agency and Department of Fish and Game (CRA-DFG), and three agencies within the United States Department of Agriculture: Animal Plant Health Inspection Service (APHIS), the Natural Resources Conservation Service (NRCS), the Farm Services Agency (FSA); and Region 9 of the United States Environmental Protection Agency (US-EPA).

The term "Partnership," as used in this agreement, is not intended to create a partnership within the meaning of California Corporations Code section 15006, that is, an association of two or more persons to carry on as co-owners a business for profit. No party to this agreement is authorized to enter into any contract or arrangement on behalf of any other party to this agreement in the absence of specific written authorization. Furthermore, it is intended that each party to this agreement shall bear its own liability for its own acts and shall assume no liability for the acts of any other party to this agreement. Industry organizations supporting this agreement include the California Dairy Research Foundation, California Farm Bureau Federation, California Manufacturing Milk Advisory Board, Milk Producers Council, and Western United Dairymen.

The Partnership Agreement will ultimately result in an voluntary, cooperative government and industry environmental stewardship education program. Producers completing this education program will become "certified." The term "certified" or "certification" as used in this agreement, carries no regulatory significance other than to inform local, regional, state and federal agencies of the producer's efforts in meeting compliance. Nothing in this agreement shall be construed as surrendering existing statutory or regulatory authority of any regulatory agency. Nothing in this agreement shall be construed to release a dairy operator from complying with the applicable federal, state, regional or local environmental statutes, regulations, permits, or orders.

CAFT RECEIVED

MAY 18 2000

206

The exact policies and procedures by which a producer will become certified will be determined following a pilot program to be coordinated by the California Department of Food and Agriculture (see Section VIII). Other interested parties such as the California Regional Water Boards and the Department of Health Services will be invited to participate in both the pilot program and the development of certification policies and procedures. The policies and procedures will be agreed to by unanimous consent of all partners prior to their implementation.

II. Partnership Purpose and Goals

The purpose of this Partnership Agreement is to support the California Dairy Quality Assurance Program as a voluntary, cooperative government and industry education and facility evaluation program. The program's objective is to assist California dairy producers in meeting all federal, state, regional and local regulations relating to manure and nutrient management. The program's ultimate goal is to help ensure a healthful environment for the people and wildlife of the state of California. The program core components include continuing education workshops for producers, the creation of Environmental Stewardship Farm Management Plans specific to each dairy, and on-site evaluation by a third party. However, third party evaluation and certification is not a determination that a facility is in compliance with environmental laws and regulations.

In order to facilitate the education and certification of the state's dairy producers, all partners in this agreement will cooperate in the development of training materials designed to assist dairy producers into coming into compliance with all federal, state, regional and local environmental rules and regulations. Each of the participating state and federal agencies and industry organizations will support the partnership to the extent that it does not conflict with any agency's statutory and regulatory obligations. The parties to the Partnership Agreement recognize their related interests and by mutual agreement will create a framework to enhance public and environmental health in the State of California.

III. Program Areas and Activities

This agreement sets forth the working arrangements among these agencies and participating industry organizations concerning mutual planning, sharing of information, and training in matters relating to environmental stewardship for dairy producers. *Principal considerations will be the enhancement of environmental health through education and sharing of information.*

Each of the signatories will support the agreement in the following areas:

- a. The primary responsibility of all partners are: 1) to develop training materials designed to assist producers in determining their compliance with all federal, state, regional and local environmental laws and regulations related to dairy manure and nutrient management 2) to communicate and coordinate with each other to assist producers in achieving compliance. A product of this effort will be an environmental compliance check-list and related educational materials for use by dairy producers and their advisors in developing and implementing Environmental Stewardship Farm Management Plans.

CAET RECEIVED

MAY 18 2000

206

- b. Each partnering organization will have a primary contact/coordinator and a backup. Contact information (office / mobile / pager / FAX / electronic mail phone numbers) will be made available to all partners.
- c. Planning meetings will be scheduled yearly (or at more frequent intervals if deemed necessary by all parties). Meetings will be scheduled at least 30 days in advance. The purpose of the meetings will be to: (1) share information on related activities within each organization (2) evaluate the effectiveness of the agreement and (3) make recommendations for improving the agreement.
- d. Meetings may be requested by any partner to address issues related to the program.

IV. The California Dairy Quality Assurance Program

The California Dairy Quality Assurance Program (CDQAP) will coordinate efforts of the dairy industry, government, and academic partners participating in this agreement. This program is a voluntary state, federal and industry cooperative whose mission is to "... *encourage science-based dairying practices which promote the health of the consumer, the environment, and dairy livestock.*" Technical assistance for the program is being provided by the University of California, Davis. The program is currently funded by grants from the California Manufacturing Milk Advisory Board. While the food safety and animal health modules of the program are currently under development, environmental stewardship represents the first element of the program to be implemented. Obligations of the public and private signatories of this agreement are limited to the elements of the agreement itself. Participation in this agreement in no way obligates collaborating organizations or individual producers to participate in any other components of the CDQAP (such as the food safety and animal health/welfare modules).

Dairy producers in California may voluntarily choose to become certified by the CDQAP in environmental stewardship. The requirements and benefits of this certification as well as the role each of the organizations participating in this Partnership Agreement will play in the certification process are outlined below. The process by which a producer is certified will be finalized by unanimous consent of all partners following completion of the certification pilot project (see Section I).

V. Requirements for Producer Certification

Participation in the program by a dairy producer is strictly voluntary. These certification requirements are intended to assist the producer in complying with laws and regulations set forth in 1) the California Porter Cologne Water Quality Control Act, 2) the federal Safe Drinking Water Act 3) the federal Clean Water Act 4) the California Fish and Game Code and the 5) federal Coastal Zone Management Act. In order for a producer to become certified in the Environmental Stewardship program, each of the three requirements listed below must be completed.

CAET RECEIVED

MAY 18 2000

206

By participating in this partnership agreement, the signatories to this agreement are not making a determination that producers receiving third party certification are in compliance with applicable laws. However, third party certification is one mechanism by which local, state, and federal regulatory agencies are informed of a producer's efforts in achieving compliance with environmental laws.

1. Environmental Stewardship Short Course - Each producer (or authorized employee representing the dairy) must complete a workshop in environmental stewardship developed or approved by University of California Cooperative Extension (UCCE). Workshops will be held at various locations throughout the state and conducted by UCCE trained staff. Certificates of completion will be provided and records of attendance kept by UCCE.

2. Environmental Stewardship Farm Management Plan and associated documents - Each producer (or authorized employee representing the dairy) will complete an Environmental Stewardship Farm Management Plan and other associated documents tailored to his or her dairy. The producer is responsible for developing the farm management plans and the plans shall remain at the facility. A regulatory agency's authority to gather information, an operator's right to withhold information and the public's right to access the information shall be governed by existing laws and regulations.

These plans will include (but are not necessarily limited to):

- A. Completed risk assessment documents.
- B. Calculations describing current wastewater storage capacity and calculations of storage capacity necessary to prevent discharge from the dairy in the event of a 25-year, 24-hour storm.
- C. Calculations demonstrating that existing wastewater capacity is capable of storing contaminated runoff from a 25-year, 24-hour storm and maintain at least two feet of freeboard.
- D. A map of the dairy facility and crop land indicating where inappropriate surface discharge and/or groundwater infiltration could occur (a stormwater pollution prevention plan).
- E. A narrative describing how surface and groundwater discharges will be prevented. The map and narrative will address: 1) containment of all facility waste water up to and including contaminated rainwater from a 25-year, 24-hour storm event, 2) prevention of washout of storage ponds from a 20-year flood (or 100-year flood for dairies built after November 27, 1984), 3) exclusion of cattle (that are fully or partially on feed and located on anything other than pasture) from entering surface waters (ponds, creeks, etc.), 4) diversion of uncontaminated precipitation and surface drainage from manure or wastewater storage areas, and 5) operation and maintenance practices related to storm water management.
- F. An emergency plan which describes how appropriate resources will be mobilized in the event of a discharge or impending discharge.
- G. Documentation that the operator has fulfilled the local, state and federal environmental regulatory requirements.

CAET RECEIVED

MAY 15 2000

206

- H. Documentation that the operator meets applicable requirements for dairy storage ponds and land application of manure and wastewater.
- I. Other such elements as may be required by the local or regional water quality control board, for example Waste Discharge requirements.

3. Initial On-site Evaluation - The producer (or authorized employee representing the dairy) will participate in an on-site evaluation by a third party. This evaluation will only occur at the request of the producer. A check-list cooperatively developed by the participants in this Partnership Agreement will be used as the evaluation tool. Evaluations will rely heavily on examination of the Environmental Stewardship Farm Management Plan and related documents developed by the producer. The evaluation will include a visual assessment of the waste containment and runoff control facilities. The on-site evaluation will be non-regulatory in nature. Following successful completion of an evaluation, the third party will notify UCCE which will complete the certification process.

In the event that the on-site evaluation reveals circumstances which need to be corrected, the evaluator will leave an itemized list of corrections and will schedule a subsequent re-evaluation. Upon successful completion of the re-evaluation, the third party will notify UCCE, which will complete the certification process.

If a producer owns more than one facility, an employee representing the facilities will only have to attend the Environmental Stewardship Short course once, but a separate Environmental Stewardship Farm Management Plan and associated documents will have to be completed for each facility where livestock are kept.

4. Re-certification - Periodic re-certifications following the third party on-site evaluation protocol described above will be necessary for a producer to maintain his or her Environmental Stewardship Certification as current. The frequency of these re-certifications will be determined as part of the policy and procedure development following the pilot project. In the event that the on-site evaluation reveals circumstances which need to be corrected, the evaluator will leave an itemized list of corrections and will arrange for a subsequent re-evaluation.

5. Quality Control of Evaluation Service - Inspectors from regulatory agencies may sometimes accompany the certification evaluators to observe the quality of the evaluation. A producer has the right not to participate in these joint training exercises. Nothing in this provision limits the ability of a regulatory agency to conduct inspections as authorized by applicable laws.

VI. Obligations of the California Dairy Quality Assurance Program

1. The CDQAP will support the goals and activities of this agreement as outlined in the above sections I (Agreement to Establish Partnership), II (Partnership Purpose and Goals), and III (Program Areas and Activities). The primary responsibility of all partners is to communicate with the other partnering organizations to assist producers in meeting a generally understood set of federal, state, regional and local environmental regulations.

CAET RECEIVED

MAY 18 2000

206

2. The CDQAP will fund, implement and promote a program which will make Environmental Stewardship workshops available to any producer, regardless of marketing or service organization affiliation. The Environmental Stewardship program has established a goal of having 50% of all producers trained within 24 months of the signing the Partnership Agreement.
3. The CDQAP will fund, implement and promote a program by which any producer, regardless of marketing or service organization affiliation, can voluntarily have his or her facility evaluated and certified.
4. The CDQAP will be the lead organization coordinating of the efforts of the various state, federal, industry and academic partners. This coordination will include, but is not limited to, matters related to training, educational materials, and funding.
5. The CDQAP will be the lead organization responsible for the maintenance of routine communications between the organizations participating in this Partnership Agreement. This will include but is not limited to progress reports, scheduling, and minutes of meetings.
6. The CDQAP will be the lead organization responsible for communication of the goals, requirements and benefits of the Environmental Stewardship program to the state's producers.

VII. Obligations of University of California Cooperative Extension

1. University of California Cooperative Extension (UCCE) will support the goals and activities of this agreement as outlined in the above sections I (Agreement to Establish Partnership), II (Partnership Purpose and Goals), and III (Program Areas and Activities). The primary responsibility of all partners is to communicate with the other partnering organizations to assist producers in meeting a generally understood set of federal, state, regional and local environmental regulations.
2. UCCE will make a dairy environmental workshop available to every dairy producer in California, regardless of marketing or service organization affiliation. The Environmental Stewardship program has established a goal of having 50% of all producers trained within 24 months of the signing of the Partnership Agreement. Attendance by a producer in an educational stewardship short course does not require that he or she participate in an on-farm certification. However, both workshop training and on-site certification are prerequisites for a producer to become certified in the environmental stewardship program. UCCE will work with all partners to ensure that the content of the short course is consistent and current with all federal, state, regional and local environmental regulations.
3. Listings of successful completion by a producer in an environmental stewardship short course and on-site certification will be kept by UCCE and provided to all organizations participating in this agreement. All reports resulting from these data will prominently state that "A dairy's lack of participation or certification in this program does not necessarily imply that the facility is out of compliance with any local, state or federal environmental regulations."
4. With the assistance of the other partners, UCCE will compile a central databank of information regarding environmental regulations, interpretation of those regulations, emerging technologies, and educational materials.

DAET RECEIVED

MAY 18 2000

206

5. UCCE will organize the training of the third party evaluators and assist in conducting quality assurance checks to insure that the on-site evaluations assist producers in meeting all state, federal, regional, and local environmental regulations.
6. UCCE will create and distribute additional materials ("Updates") based on Notices of Violation and Cease and Desist Orders and other information supplied by other partners.

VIII. Obligations of the California Department of Food and Agriculture

1. The California Department of Food and Agriculture (CDFA) will support the goals and activities of this agreement as outlined in the above sections I (Agreement to Establish Partnership), II (Partnership Purpose and Goals), and III (Program Areas and Activities). The primary responsibility of all partners is to communicate with the other partnering organizations to assist producers in meeting a generally understood set of federal, state, regional and local environmental regulations.
2. The CDFA will organize a limited-scale pilot program for third party on-site evaluations. The purpose of this pilot project will be to assess the adequacy of the uniform inspection tool in evaluation of a dairy. CDFA will be assisted in this project by the other partners. Other interested parties such as the California Regional Water Boards and the Department of Health Services will be invited to participate in both the pilot program and the development of the certification policies and procedures. The pilot project is anticipated to take approximately six months. At the end of the pilot project CDFA will report its findings and recommendations back to the partners. At that time, all partners will develop policies and procedures related certification of producers. The policies and procedures will be agreed to by unanimous consent all partners prior to their implementation.

IX. Obligations of the California Environmental Protection Agency and the State Water Resources Control Board

1. California Environmental Protection Agency (Cal-EPA) and the State Water Resources Control Board (SWRCB) will support the goals and activities of this agreement as outlined in the above sections I (Agreement to Establish Partnership), II (Partnership Purpose and Goals), and III (Program Areas and Activities). The primary responsibility of all partners is to communicate with the other partnering organizations to assist producers in meeting a generally understood set of federal, state, regional and local environmental regulations.
2. SWRCB will designate a single representative within its organization to answer questions regarding the appropriateness of specific dairy practices. Responses to these questions will take place within a timely fashion with a goal of a response time of not more than five working days.
3. Cal-EPA and SWRCB will share with other partners changes in policies, guidance and existing regulations at the same time and in the same manner as the rest of the public prior to implementation.
4. Copies of Notices of Violation, Cease and Desist Orders and other regulatory actions will be made available to the partners and the public to the extent authorized by state "sunshine" laws

CAE1 RECEIVED

MAY 18 2000

206

- after they are finalized and when they are made public. These data will assist the partners in defining future education and training efforts.
5. Cal-EPA and SWRCB will assist UCCE in the creation of environmental stewardship educational materials. These materials may include fact sheets, question and answer sheets, risk evaluation tools etc.
 6. Cal-EPA and SWRCB will consider the certification status of a dairy when scheduling routine inspections. The Cal-EPA and SWRCB maintain their authority to enter, inspect or otherwise obtain information regarding any facility in any situation to the extent authorized by the applicable laws for the purposes outlined in those laws. This includes (but is not limited to) complaints or requests for inspections from public sources or private parties, on-going inspections or compliance orders, or any other reason which leads the Cal-EPA or SWRCB to suspect that a facility is not in compliance with state or federal regulations.
 7. Cal-EPA and SWRCB will be the lead entities in coordinating the compilation of inspection protocols related to environmental regulations.
 8. Cal-EPA and SWRCB will be the lead entities in coordinating the establishment of a check-list to be used by the third party during on-site evaluation. This evaluation check list will assist third party evaluators in determining whether they believe the facility meets federal, state, regional and local environmental regulations to the extent possible given differences in geographic and regulatory locations. This check list will not interfere with any agency's statutory obligations. A facility's compliance with the check list will not constitute any agency certification of compliance with any federal, state, regional or local environmental laws. Cal-EPA and SWRCB will work to make this check list explicit and clear enough for an average producer to understand.
 9. Cal-EPA and SWRCB will be the lead entities in the organization of educational workshops designed to train and evaluate employees of the third party on-site evaluation organization in the use of the check-lists described above.
 10. Cal-EPA and SWRCB will take any necessary steps to ensure that all agencies under its organizational umbrella, (OEHHA, CIWMB, regional water boards etc.) are aware of and support the obligations undertaken pursuant to this agreement.

X. Obligations of the California Resources Agency and the Department of Fish and Game

1. The California Resources Agency and the California Department of Fish and Game (CRA-DFG) will support the goals and activities of this agreement as outlined in the above sections I (Agreement to Establish Partnership), II (Partnership Purpose and Goals), and III (Program Areas and Activities). The primary responsibility of all partners is to communicate with the other partnering organizations to assist producers in meeting a generally understood set of federal, state, regional and local environmental regulations.
2. CRA-DFG will designate a single representative within its organization to answer questions regarding the appropriateness of specific dairy practices.
3. CRA-DFG will cooperate with other partners in communicating changes in existing laws or regulations or their interpretation to the other partners. CRA-DFG will assist the partners in integrating these changes or interpretations into the uniform dairy evaluation tool.
4. Copies of Notices of Violation, and other regulatory actions will be made available to the partners. These data will assist the partners in defining future education and training efforts.

CAET RECEIVED

MAY 18 2000

206

5. Utilizing the data listed above (paragraphs 2,3 and 4), CRA-DFG assist UCCE in the creation of educational materials. These materials may include fact sheets, question and answer sheets, risk evaluation tools etc.
6. CRA-DFG will assist Cal-EPA and SWRCB in the processes described above in Section IX, Paragraphs 7,8,9. This includes assisting in the establishment of a set of uniform inspection procedures, establishment of a check-list to be used by the third party during on-site evaluation organization, and organization of educational workshops designed to train and evaluate employees of the third party on-site evaluation organization.
7. CRA-DFG will take any necessary steps to ensure that all agencies under its organizational umbrella are aware of and supportive of CRA-DFG's obligations in this agreement.

XI. Obligations of the USDA Animal Plant Health Inspection Service (California office)

1. The USDA Animal Plant Health Inspection Service, Veterinary Services, California office, (APHIS) will support the goals and activities of this agreement as outlined in the above sections I (Agreement to Establish Partnership), II (Partnership Purpose and Goals), and III (Program Areas and Activities). The primary responsibility of all partners is to communicate with the other partnering organizations to assist producers in meeting a generally understood set of federal, state, regional and local environmental regulations.
2. APHIS will assist in providing appropriate personnel and funding when necessary to conduct research projects, educational seminars, and general guidance.
3. APHIS personnel are available as in all cooperative programs to assist in all activities identified for CDFA.

XII. Obligations of the USDA Natural Resource Conservation Service

1. The USDA Natural Resource Conservation Service (NRCS) will support the goals and activities of this agreement as outlined in the above sections I (Agreement to Establish Partnership), II (Partnership Purpose and Goals), and III (Program Areas and Activities). The primary responsibility of all partners is to communicate with the other partnering organizations to assist producers in meeting a generally understood set of federal, state, regional and local environmental regulations.
2. NRCS will continue to provide technical assistance to dairy operators.
3. NRCS will continue to pursue additional avenues for technical assistance to dairy operators including the development of the consultant/crop advisor industry.
4. NRCS will continue to participate in the development of technical procedures, training materials and educational materials.

CAET RECEIVED

MAY 18 2000

206

XIII. Obligations of the USDA Farm Services Agency

1. The USDA Farm Services Agency (FSA) will support the goals and activities of this agreement as outlined in the above sections I (Agreement to Establish Partnership), II (Partnership Purpose and Goals), and III (Program Areas and Activities). The primary responsibility of all partners is to communicate with the other partnering organizations to assist producers in meeting a generally understood set of federal, state, regional and local environmental regulations.

XIV. Obligations of the US Environmental Protection Agency (Region 9)

1. The United States Environmental Protection Agency, Region 9 (US-EPA), supports the goals and activities of this partnership agreement, to the extent that the agreement does not conflict with US-EPA's authority and obligation to implement federal laws and regulations including laws related to funding and appropriations. The primary responsibility of all partners is to communicate with the other partnering organizations to assist producers in meeting a generally understood set of federal, state, regional and local environmental regulations.
2. US-EPA's access to documents and confidentiality and disclosure of records shall be governed by applicable federal law.
3. US-EPA will designate a lead representative and several alternates to answer questions regarding the appropriateness of specific dairy practices. Responses to these questions will take place within a timely fashion and as quickly as possible.
4. US-EPA will share with other partners changes in policies, guidance and existing regulations at the same time and in the same manner as the rest of the public. Such input shall in no way be construed as surrendering existing statutory or regulatory authority of US-EPA.
5. Copies of Notices of Violation, Administrative Compliance Orders and other regulatory actions will be made available to the partners at their specific request after they are finalized and made public as authorized by the Freedom of Information Act (FOIA). These data will assist the partners in defining future education and training efforts.
6. US-EPA will assist UCCE in the creation of environmental stewardship educational materials. These materials may include fact sheets, question and answer sheets, risk evaluation tools etc.
7. US-EPA will consider the certification status of a dairy when scheduling routine inspections. US-EPA maintains its authority to inspect any facility to the extent authorized by law.
8. US-EPA will coordinate with appropriate State agencies when conducting routine civil inspections. At its discretion, US-EPA may inform crop advisors and other county officials prior to conducting such inspections in their county.
9. US-EPA will be a lead entity in coordinating the compilation of inspection protocols related to environmental regulations.
10. US-EPA will assist in establishing materials (such as an inspection check-list to be used by the third party during on-site evaluation) that will assist the third party evaluator in determining whether they believe the facility is in compliance with applicable environmental statutes. A facility's compliance with a check list will not constitute agency certification of compliance with any federal, state, or local environmental laws.
11. US-EPA will take any necessary steps to ensure that all divisions within the Regional Office are aware of and support the obligations described in this agreement.

BAGET RECEIVED

MAY 18 2000

206

XV. General Provisions of the Agreement

1. Obligations of the public and private signatories of this agreement are limited to the elements of the agreement itself. Participation in this Environmental Stewardship agreement in no way obligates collaborating organizations or individual producers to participate in other components of the CDQAP (such as the food safety and animal health/welfare modules).
2. Nothing in this agreement shall be construed as surrendering existing statutory or regulatory authority of any party.
3. Nothing in this agreement shall be construed to release a dairy operator from complying with the applicable federal, state, regional or local environmental statutes, regulations, permits, or consent orders.
4. This agreement may be amended through mutual agreement of the parties.
5. Individual partners may unilaterally withdraw from the partnership agreement following a thirty day notice and explanation of the reasons for withdrawal given at a meeting of the full partnership.

CAET RECEIVED

MAY 18 2000

CALIFORNIA

Dairy *Dispatch*²⁰⁶

RESEARCH, EDUCATION AND SERVICE TO SUPPORT THE DAIRY INDUSTRY

VOL. 9, NO. 2 • FALL 1995

chemical), environmental stewardship and animal care/welfare. Industry leaders suggested development of a series of educational programs that would be offered to producers who want to be certified in these three areas, much like the beef industry's quality assurance program.

In 1998 the state's producers saw increasing focus on their operations by state and federal environmental regulatory agencies. This shift in regulatory priorities culminated with extensive media coverage, several large

fines, and even sentencing of a producer to a jail term. In March the CDQAP's steering committee directed that environmental stewardship become the program's top priority. The task before the committee was to develop and fund an environmental education certification program that would meet with regulatory agency approval.

The committee met with representatives of every agency having regulatory authority on California dairies. These discussions clarified that 1) every dairy would be required to develop a plan to protect surface and ground waters and 2) by the year 2005 every dairy would be inspected to see that its plan was in place and functional. Negotiations concluded with the signing of the "Environmental Stewardship Partnership Agreement" on Oct. 9, 1998, by 14 state, federal, university and industry organizations. The federal EPA joined the partnership a year later (see story on page 5).

The partnership agreement creates a mechanism by which dairy producers can voluntarily request certification of their facilities as complying with all state and federal regulations. The program was modeled after other successful regulatory/industry agreements that had eradicated brucellosis from California and had established voluntary industry-based certification of the state's egg farms. The dairy environmental stewardship program remains education in nature with both classroom and on-site assistance.

Dr. Deanne Meyer, the University of California's animal waste specialist, directs an environmental module utilizing a short-course curriculum that she had already developed. Under her direction, classes have been held throughout the state. By September of this year, more than 1,200 producers have attended classes, with more than 550 of them completing the entire three-class program. Demand for these courses has been so high that Gary Vesperat was brought on board to assist in its delivery. One of only 900 certified professional animal scientists in the country, Vesperat has some 25 years of industry and university experience.

To date the CDQA Program has applied for or received more than \$600,000 in grants, and created a forum in which the dairy industry could, for the first time, negotiate directly with state and federal regulatory agencies.

Michael Payne, D.V.M., Ph.D., is assistant director of the Western Region Food Animal Residue Avoidance Databank, Department of Environmental Toxicology, UC Davis.

edd

ONE RECEIVED

MAY 18 2000

CDQAP *from front page*

\$75,000 grant from the California Manufacturing Milk Advisory Board funneled through the California Dairy Research Foundation.

The initial program components identified by focus groups included food safety (both microbial and

206

Environmental Stewardship short course and innovative checklist help producers and regulators find common ground

Enthusiastic response from initial participants indicate that the newly developed Environmental Stewardship Short Course and accompanying checklist will go a long way in helping producers comply with complex, confusing and often conflicting government regulations.

The Environmental Stewardship Short Course presented through the University of California Cooperative Extension under the California Dairy Quality Assurance Program (CDQAP) umbrella was developed in response to the frustration expressed by producers who had become increasingly baffled by the regulatory maze under which they were forced to operate. Representatives of 12 regional, state and federal regulatory agencies were asked to participate with the dairy industry in crafting and approving an educational program to encourage environmental stewardship through improved manure manage-

ment techniques.

The checklist is still undergoing refinements, but draft versions field-tested at several dairies around the state have already confirmed the validity of the program.

"Regulators do not tell you what you need to do. They tell you when you have a problem," declares Steve Nash, who with his family operates a 700-cow dairy and farms 400 acres of alfalfa, corn and wheat in Selma. "It's frustrating to be told you need to comply with a law that you've never heard of and you don't know where to start. The checklist gives you a visual idea of what you need to do. It's written in plain language, not regulatory language," says Nash, who participated in a pilot-test of the checklist on his dairy.

Nash, who was a member of the Dairy Food Safety Task Force and is the state dairy chairman for the California Farm Bureau, said he sup-

ported the short course and checklist development because of his concern about conflicting regulations arising from contradictory standards from different agencies.

"I realized that dairymen who stood alone could be picked off one by one," said Nash, who was skeptical about the amount of paperwork that adherence to the clipboard guidelines might require. "I worried that I might be required to go to the lagoon every day to monitor the water and maintain a paper trail. Well, we established a practice of rotating responsibility among several of our people to check the lagoon daily as they pass by on the way to do other jobs, such as feeding livestock. So it's not really a hardship after all."

Dairyman Rick Michel of Waterford in Stanislaus County praises the short course program, which he says prepared him well for an inspection by the federal Environmental Protection Agency. "The EPA sent two representatives. One of them used a global positioning receiver in a backpack as they reviewed the facilities. They made very few comments," recalls Michel, who said the short course prepared him about what to expect. "I already knew what the EPA people were looking for, and they seemed really impressed by the fact that we were following the workbook from the courses and keeping records that tracked dairy nutrients and solids."

Michel's 70-year-old dairy operation comprises 1,050 cows and 250 acres of silage he grows, including winter forage and corn. He said the modifications the EPA requested were reasonable. "They wanted to make triply sure that nutrient-handling equipment, including pipelines

COPIES RECEIVED

MAY 18 2000

(See "Producers" on page 8)

CALIFORNIA Dairy Dispatch

California Dairy
Research Foundation

502 Maca Blvd., Suite 12
Davis, CA 95616

Non-Profit Org.
U.S. Postage
PAID
Permit #62
Davis, CA

206

Producers *from page 4*

and valves, are in tight working order without leaks or discharges of any kind. We made some modifications in our physical plant, and just completed construction of a new \$60,000 concrete holding pit to collect water runoff from flushing corrals. Nobody told us to make that or other specific changes, but we were motivated on our own to take extra precautions."

Michel said some of the new measures his operation has instituted may actually save money. "We've begun to keep track of liquid nutrients. We take water samples, and by monitoring the flow of gallons per second past a valve, we're able to calculate the nutrient values of what we discharge into the ground," Michel explains. "By monitoring the nitrogen, pH levels, salts, potassium and trace minerals, we may be able to reduce purchase of fertilizer for the next crop on a particular piece of land. We've already begun selling excess solid fertilizers."

Michel says he believes these educational programs will have far-reaching implications. "Producers and the dairy industry as whole will now be able to demonstrate to consumers, environmentalists and politicians that we are voluntarily entering agreements and engaging in a plan of action to make us better stewards of land within the framework of

economic practicality. This effort gives us credibility as an industry that we are trying to do the right thing for the environment," says Michel, who is a member of the board of directors of the California Milk Advisory Board. "The industry really owes credit to state Secretary of Agriculture Bill Lyons Jr., his predecessor Ann M. Veneman, Chuck Ahlem, who chaired the Dairy Quality Assurance Committee, and Joe O'Donnell, executive director of CDRF, all of whom had the foresight to make the meaningful commitments that enabled this new approach."

Michel and Nash believe that both the course workbook and the checklist will help keep dairy operators and regulatory agencies literally and figuratively on the same page.

622

GAET RECEIVED

MAY 18 2000



May 16, 2000

No. 83

BACKERS OF AN INITIATIVE TO BAN THE USE OF BODY-GRIPPING ANIMAL TRAPS said Monday that they have gathered 130,000 signatures, well on their way to the 180,000 they need by July 7 to get the measure on the ballot this fall. (*The Olympian*, May 16) Supporters said their goal is 235,000 signatures to ensure they qualify. Ed Owens, chairman of Citizens for Responsible Wildlife Management, which opposes the initiative, said banning the use of body-gripping traps would cripple efforts by agriculture to control nuisance animals, and make it illegal for homeowners to trap moles and other pests. He said the real goal of the initiative, which is backed financially by out-of-state animal-rights groups, is to outlaw the commercial fur trade in Washington. Farm Bureau opposes the initiative. To contact Citizens for Responsible Wildlife Management, call (360) 379-1057, or send e-mail to No713@hotmail.com

THE INTERNATIONAL TRADE COMMISSION RULED MONDAY THAT APPLE-JUICE concentrate imports from China are causing financial harm to U.S. producers, clearing the way for the Department of Commerce to impose duties of nearly 52 percent, retroactive to November. (AP/*The Olympian*, May 16) The Commerce Department ruled last month that China was selling concentrate below the cost of production, but had to await the ITC ruling before making the duties official. Cheap concentrate from China drove down the price U.S. growers received for juice apples from as much as \$153 a ton in 1995 to \$10 a ton in 1998. The U.S. apple industry filed a petition almost a year ago asking the government to impose duties on Chinese concentrate.

WASHINGTON FARM BUREAU MONDAY URGED THE CLINTON ADMINISTRATION not to declare the Hanford Reach a national monument. "Taking the decision away from local elected officials and declaring the reach a national monument by executive order because one group doesn't like the process is contrary to representative government," said Farm Bureau President Steve Appel. "The reach is not in imminent danger of development or destruction. The community is also united in its belief that the reach needs to be protected, so there is no need for the president to insert himself at this late date and, in effect, say that all the hard work the community has put into this process doesn't matter because he makes the rules." Sen. Slade Gorton, R-Wash., and Rep. George Nethercutt, R-Wash., also issued statements Monday opposing a presidential declaration to protect the reach. (*The Tri-City Herald*, May 16) Interior Secretary Bruce Babbitt is in the Tri-Cities area today to tour the reach and is expected to make a recommendation on the 51-mile stretch of the Columbia River when he returns to Washington, D.C. Babbitt will also attend a community meeting to discuss the future of the reach from 6 to 7 p.m. at the Red Lion Hanford House in Richland.

THE U.S. SUPREME COURT RULED MONDAY THAT THE DEPARTMENT OF INTERIOR has "broad discretionary powers" to establish rules regulating the grazing of livestock on public lands. (AP/*Spokesman Review*, May 16) In a 9-0 decision, the justices ruled that Interior Secretary Bruce Babbitt did not violate the 1934 Taylor Grazing Act when he imposed stricter environmental regulations on grazing in 1995. (*San Jose Mercury News*, May 16) Under the new rules, the federal government also claimed ownership of fences and other improvements paid for by permit holders. In a news release, Sen. Larry Craig, R-Idaho, said ranchers should work with Congress to change the law or "they can work to get a new secretary." The Supreme Court did not address whether permits can be purchased for land conservation, rather than grazing, which was ruled illegal by the 10th Circuit Court of Appeals. The full decision in *Public Lands Council vs. Babbitt, 98-1991* is available on the Internet at www.supremecourtus.gov

© 2000 Washington Farm Bureau. NewsWatch is a daily update on news of interest to agriculture. Contact Dean Boyer, director of public relations, 1-800-331-3276 or dboyer@wsfb.com, to receive NewsWatch by fax or e-mail.

DAET RECEIVED

MAY 18 2000

206

Date: May 16, 2000

Methyl Bromide Working Group
1319 F Street, N.W., Suite 301
Washington, DC 20004
(202) 737-1226 / Fax (202) 393-4385

FAX SHEET

TO: Cleveland Marsh
Donna Gehlhaart
Adam Sharp
Gabriele Ludwig
Gary Risner
Stephen Lodge
Mitch Dubensky

FROM: Peter O'Rourke

TOTAL NUMBER OF PAGES INCLUDING THIS PAGE: 6

If you have any problems receiving this fax, please contact
Connie Lamberson at 202/393-3240.

EXACT RECEIVED

MAY 18 2000

**METHYL
BROMIDE
WORKING
GROUP**

206

●
May 16, 2000

MEMORANDUM

TO: Distribution
FROM: Peter O'Rourke *PO*
RE: Methyl Materials

Attached are background/reference materials that can be provided to your users to prepare them to speak with their Representatives and Senators. Please let me know if you have questions.

Attachment

Distribution
Cleveland Marsh
Donna Gehlhaart
Adam Sharp
Gabriele Ludwig
Gary Risner
Stephen Lodge
Mitch Dubensky

GAET RECEIVED

MAY 16 2000

206

Bulletin to US Growers and Other Users of Methyl Bromide

In spite of the new federal law allowing continued use of methyl bromide until 2005, producers may have no choice but to end production of this critical fumigant this Fall.

The Administration's failure to adopt regulations enacting the 1998 Amendments to the US Clean Air Act means that the US's original, unilateral phaseout date for methyl bromide remains at January 1, 2001. Production of methyl bromide after that date may be illegal – a risk producers are unwilling to take given fines of \$25,000 for each kilogram produced. (A kilogram of methyl bromide costs a few dollars.) Production decisions for 2001 must be made late summer of 2000.

Even if new regulations change the phaseout date to 2005, the Administration concedes that growers and other users of methyl bromide will face severe hardships as a result of the phaseout of the fumigant.

A report issued March 31 by the US Department of Agriculture states that “The phaseout of methyl bromide will cause substantial, short-term losses to US producers and consumers of crops treated with methyl bromide until more cost-effective alternatives are developed and made available.”

But perhaps the greatest harm to agriculture will come as a result of the Administration's failure to implement those provisions of the new law which allow continued use of methyl bromide for “food safety and crop protection.” An Executive Order issued by President Clinton February 2 instructs federal agencies to deal aggressively with “invasive species” of pests causing more than \$138 billion in damage. Methyl bromide is regarded by experts as the only the fumigant capable of controlling the worst of these invasive species including the extraordinarily destructive Asian Longhorn Beetle.

The new law allows continued use -- beyond 2005 -- of methyl bromide used to protect the food supply and crops where pests pose the greatest threat -- at food processing plants, grain mills, plant and tree nurseries, ports and as agricultural products are moved from one location to another.

GAET RECEIVED

MAY 18 2000

206

Points to Emphasize in Your Calls, Letters and Visits.

Please put these thoughts in your own words.

We need your Congressman to co-sponsor and push for immediate passage of HR 4215 because the 1998 Amendments to the US Clean Air Act have been ignored by US EPA.

The facts are clear.

- **Methyl bromide production may end this year – four years earlier than allowed by US law and 14 years before Mexico and other developing nations will ban methyl bromide.** EPA's failure to adopt rules means, first and foremost, that it may be illegal and inordinately risky for producers to make and sell methyl bromide after January 1, 2001. Production decisions for 2001 may be made in late Summer.
- Even if EPA proceeds with rules:
 - ✓ **The US ability to protect food supplies and crops will be threatened.** The Agency's unofficial definition of "food safety and crop protection" not only ignores the intent of the new law but flies in the face of a recent Presidential order requiring federal agencies to deal aggressively with "invasive species" of pests causing more than \$138 billion in damage.
 - ✓ **The loss of methyl bromide will significantly worsen the US farm crisis.** According to the USDA, "The phaseout of methyl bromide will cause substantial, short-term losses to US producers and consumers of crops treated until more cost-effective alternatives are developed and made available." But with no safe and effective alternatives on the horizon, USDA's use of the phrase "short-term" is misleading.
 - ✓ **US growers' major international competitors, including Mexico and developing nations throughout the world, may use methyl bromide until 2015.**

CAET RECEIVED

MAY 18 2000

286

What Each of Us Must Do To Save Methyl Bromide

If you depend on methyl bromide to grow, store, ship, process or trade crops or other materials, we need your help. We need it now.

HR 4215 -- The "Methyl Bromide Amendments Act of 2000" will take this matter out of the hands of US EPA, and allow continued use of methyl bromide as a matter of federal law. HR 4215 can and will pass this year if growers and other users of methyl bromide make it a political priority.

Methyl bromide users are asking for just one thing: **fairness as the new law is implemented.**

Guidelines for Contacting Members of Congress

First, take some time with the attached materials. No one expects you to be an expert on international treaties, ozone depletion or federal government. But you should understand the basics.

Second, consider how the loss of methyl bromide will affect *your* operation. Then, make some notes about the alternatives you've tried. Finally, make it clear that -- given US EPA's refusal to act -- prompt passage of HR 4215 is the only possible way of avoiding a disaster in your operation.

By Phone

The local numbers for your Congressman is in your phone book or available on-line at [add].

Identify yourself, summarize the purpose of your call and ask for the staff member responsible for environmental issues. In all cases, ask them what they intend to help, and insist that they call you after they have helped.

FACT RECEIVED

MAY 18 2000

By Mail

Two basic rules here: Write your letter on your own business stationery, in your own words. Keep your letter short and to the point – emphasizing the fact that US EPA is ignoring the new law. Fax and mail the letter.

In Person

A face-to-face meeting is the most effective means of communicating with an elected official. A few guidelines:

- ☞ Be on time but expect to wait.
- ☞ Don't be insulted if you meet with a staff member -- they get the actual work done.
- ☞ If you are part of a group, appoint one person as spokesperson. This is the best way of getting the message across and making the most efficient use of your time.
- ☞ Conclude the meeting by asking when you can expect an answer to your questions.

Don't expect others to do the fighting.

Together, we amended the Clean Air Act, defeated taxes on methyl bromide three times and educated hundreds of government officials on the importance of methyl bromide. We have succeeded because everyone who depends on methyl bromide accepted responsibility to defend this important fumigant.

Please, help us again with phone calls, letters and visits to Members of Congress. They have listened before, they will listen again.

CAET RECEIVED

MAY 1 2000