

Opening Statement of the Chairman Greg Walden
Subcommittee on Environment
Hearing on “H.R. ___, the Farm Regulatory Certainty Act”
November 9, 2017

As you may know, I represent a rural district where agriculture plays an important role in local economies and have long been supportive of my colleague from Washington’s efforts on the Farm Regulatory Certainty Act. It is important that we protect farmers and ranchers who are trying to do the right thing and are cooperating with their regulators by not subjecting them to duplicative litigation.

When Congress enacted the Resource Conservation and Recovery Act in 1976, farming was different. Although, for efficiency, the size of farms has grown, they are in large part still family farms. According to the United States Department of Agriculture, 97 percent of the 2.1 million farms in the United States are family-owned operations and 98 percent of dairy farms in the US are family owned and operated. The USDA also reports that 88 percent of all U.S. farms are small family farms. Regardless of size, our farmers and ranchers are committed to producing the highest quality product, while being good stewards of the land for future generations.

Oregon’s farmers and ranchers are no different. From using drones to value-added processing and even aquifer recharge projects, they are always thinking outside the box. In the Columbia Basin, dairies roll this

creativity into their groundwater and nutrient management plans. They're managing manure in concert with crop production in an integrated, science based system that uses those nutrients to produce feed for their cows, and other value added agriculture products that are processed nearby, growing jobs in these communities. In short, they work with regulators to make sure that they are handling manure in a responsible way.

These farms are not regulated by the Resource Conservation and Recovery Act but rather, they are often permitted under the Clean Water Act, the Safe Drinking Water Act, or state law. Lawsuits brought under RCRA, like the ones in the Yakima Valley, are often duplicative of actions taken by EPA or the state and they threaten the existence of dairy farms and other agricultural operations by subjecting them to exorbitant and unnecessary legal fees.

The intent of the Discussion Draft we are looking at today is not to give farms a free pass but rather to allow the existing regulatory process to play out. The bill would prevent a RCRA citizen suit only if EPA or the state is diligently seeking compliance and working with the agricultural operation to ensure that the handling of manure and other crop residue is done in a way that it serves as fertilizer for the soil.

Every day, America's farmers and ranchers invest time, energy, and passion into what they do. They are active members of our

communities and are central to our rural economies. We need to make sure that family farms that produce food for people across the U.S. and the world don't have to close their doors because of unnecessary litigation costs. I would like to thank the witnesses for their thoughtful testimony, and I look forward to continuing to work on this important issue.