

Testimony of Congressman Jim Costa (CA-16)
Before the United States House of Representatives
Committee on Energy and Commerce Subcommittee on Environment
Testimony Discussion Draft H.R. __ the Farm Regulatory Certainty Act
November 9, 2017

Chairman Shimkus, Ranking Member Tonko, and Members of this Subcommittee, thank you for providing me the opportunity to testify today before you on an issue of particular importance to the food producers of California's San Joaquin Valley. I am a strong supporter of the *Farm Regulatory Certainty Act* introduced by Representative Dan Newhouse and myself, and supported by more than sixty bipartisan cosponsors. Thank you Representative Newhouse for your work on this bill and for asking me to join you in support of this important legislation.

This bill would prohibit third parties from engaging in legal actions against agricultural operations that are actively working with the federal Environmental Protection Agency or state regulator to improve their environmental compliance. We are talking about peace of mind for farmers, and incentivizing good environmental stewardship.

Like Representative Newhouse I too am a third generation farmer. Growing up on a dairy taught me many redeemable skills not least of which was how to care for and sustain the land on which we farmed. Today I serve the people of California's San Joaquin Valley as Ranking Member of the Committee on Agriculture Subcommittee on Livestock and Foreign Agriculture where I bring my background as a farmer to Congress.

California is the country's largest agricultural state. Last year the state produced approximately \$45 billion in agricultural goods. Our abundance includes more than 400 commodities, over a third of the country's vegetables and two-thirds of the country's fruits and nuts. In 2016 the value of California's dairy production was over \$6 billion and the district I have the honor to

represent is the third largest producer of milk in the entire country. This is all achieved while complying with some of the most rigorous environmental regulations in the world.

For agriculture to be successful our local communities and environment need to be healthy and safe. That is why the issue of both surface and groundwater contamination is taken so seriously in California. Because farmers are also reliant on the environment within which they farm they are active in a regional effort in California to address nitrate and salinity issues that are occurring in various parts of California's Central Valley. The State Water Resources Control Board, Central Valley Regional Water Quality Control Board, the environmental community, numerous municipalities, agricultural water districts and many others are engaged in actions to protect California's most precious resource.

California agriculture has a long history of working with regulators to address environmental concerns. This bill would not change that relationship.

The bill before us today, the *Farm Regulatory Certainty Act*, was developed out of a fear many producers in my state have of litigation brought upon them by third parties. Similar to the situation in Representative Newhouse's state, dairymen and ranchers have found themselves in situations where complying with environmental regulations and acting in good faith have placed them in legal jeopardy.

The *Farm Regulatory Certainty Act* will foster a spirit of collaboration that incentivizes agricultural producers to comply with environmental laws and regulations. A farmer acting in good faith to improve their environmental stewardship should not be targeted by litigation while they are working cooperatively to fix problems, and improve their operations. This bill will give peace of mind to producers who want to minimize contaminants but may fear negative repercussions stemming from their efforts.

Farmers depend on the land for their livelihoods. It is in their interest to be good stewards. Let us give them the certainty necessary to comply with the regulations put in place by state and federal authorities.

Thank you for inviting me to testify here today. I hope that I have been able to shed light on this issue from the perspective of a farmer and the farmers I represent. This common sense legislation would go a long way to both improve the environment and allow farmers to continue to provide abundant, healthy, and affordable food for our nation and the world.

Thank you and I yield back.