



September 6, 2007

The Honorable Barbara Boxer
Chairwoman
Committee on Environment and Public Works
456 Senate Dirksen Building
U.S. Senate
Washington, DC 20515

The Honorable James M. Inhofe
Ranking Member
Committee on Environment and Public Works
456 Senate Dirksen Building
U.S. Senate
Washington, DC 20515

Dear Madam Chairwoman and Mr. Ranking Member:

The National Cattlemen's Beef Association (NCBA) is a national trade association representing U.S. cattle producers – the largest sector of American agriculture. Established in 1898, NCBA today represents more than 28,000 independent cattlemen and more than 60 state and breed affiliates representing over 230,000 cattle producers, breeders, and feeders across the United States. Our members are proud of their tradition as stewards and conservators of America's land, air and water. They work hard everyday to protect these precious resources.

The purpose of today's hearing is to discuss the effect of concentrated animal feeding operations (CAFOs) on human health, water quality, and other issues. While NCBA members support efforts and work hard every day to ensure that CAFOs are environmentally sound operations, we are concerned that members of this Committee and others may be misled by activists who are opposed to the existence of CAFOs and want to create the perception that they are problematic for human health and the environment. Indeed, some activists are working hard to do away with CAFOs. We urge the Committee to make decisions based on facts and scientific evidence rather than on opinion, perception, and hype created by activists with anti-CAFO agendas.

The fact is that CAFOs are subject to a vast array of federal, state and local environmental laws and authority to deal with every conceivable environmental problem presented by them. The Clean Air Act, the Clean Water Act, FIFRA, soil conservation, dust and odor control, and nuisance laws apply broadly throughout the country to provide environmental protection from every aspect of animal agriculture operations. For example, the EPA has recently promulgated extensive new regulations to control discharges from CAFOs under the National Pollutant Discharge Elimination System (NPDES) program. Indeed, there has been a significant shift over the past several years in federal efforts to regulate and prohibit production area discharges from CAFOs except in the most extreme circumstances. In addition, CAFOs

must utilize and comply with strict nutrient management plans when land applying manure to agricultural fields to ensure that manure is applied at agronomic rates. Any violation of these requirements can result in substantial penalties and, in certain situations, imprisonment. NCBA urges the Committee to consider these new regulatory requirements that ensure protection of our waters and give them time to work. Zero discharge from the production area means just that – zero discharge. Once this program is given time to work, it can no longer be claimed that CAFOs are a concern with regard to water quality. There are also several programs in place under the Clean Water Act that specifically and sufficiently address nonpoint source pollution. Congress should consider ways to adequately fund these programs so that they can produce the desired results.

While Clean Water Act NPDES permits may be appropriate for discharging CAFOs, NCBA is opposed to regulation that is inappropriate and the product of activist hype and propaganda, rather than facts and sound science. An example of inappropriate regulation is the potential regulation of manure under our superfund laws. Superfund was passed in the wake of Love Canal for the purpose of “dealing with the legacy of hazardous substances and wastes which pose a serious threat to human health and the environment” and “to clean the worst abandoned hazardous waste sites in the country.” Certainly, manure does not fall within this stated purpose, and Congress never intended that it should. Activists who suggest otherwise are distorting the facts. Each of these issues is discussed below.

I. Regulation of Concentrated Animal Feeding Operations

The Clean Water Act prohibits point sources from discharging pollutants into waters of the United States unless in conformance with a valid National Pollutant Discharge Elimination System (NPDES) permit obtained prior to a discharge. “Discharge of a pollutant” is defined as “any addition of any pollutant to navigable waters from any point source.” A point source is defined as “any discernible confined and discrete conveyance, including . . . a confined animal feeding operation . . . from which pollutants are or may be discharged.” The term “does not include agricultural stormwater discharges and return flows from irrigated agriculture.”

The EPA or states with authorized NPDES permitting programs may issue general or individual NPDES permits allowing the discharge of pollutants to surface waters of the United States as long as certain conditions are met. The Clean Water Act includes both technology-driven limits and water-quality-based limits on pollution. The technology-driven limits in the form of effluent limitations aim to prevent pollution by requiring the installation and implementation of various forms of technology designed to reduce discharges. These limitations are dictated by the more general “effluent limitations guidelines” (ELGs) which are separately promulgated by the EPA. An effluent limitation is “any restriction established . . . on the quantities, rates and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into . . . water.” Water quality based regulations apply once a given body of water’s pollution level exceeds the level that a state deems acceptable for the body of water’s intended use or function. These regulations may ratchet up the pollution control required of individual polluters. Permits also include extensive reporting and recordkeeping requirements to help ensure compliance with effluent limitations.

Under the CWA, an Animal Feeding Operation (AFO) is a facility in which livestock or poultry are housed in confinement, and where the following conditions are met: (1) animals are confined or maintained for a total of 45 days or more in any 12-month period, and (2) crops are not sustained in the normal growing season over any portion of the lot or facility (i.e. animals are not maintained in a pasture or on rangeland). Concentrated Animal Feeding operations are a subset of AFOs. In addition to meeting the above conditions, an AFO is defined as a CAFO if it meets minimum size thresholds: AFOs with more than 1000 head of cattle are CAFOs; those with 300-999 head may be CAFOs, if pollutants are discharged from a manmade conveyance or are discharged directly into waters passing over, across, or through the production area; and those with fewer than 300 may be CAFOs if the EPA or permitting authority determines that the facility contributes significantly to water pollution.

In February 2003, the EPA updated and issued a final rule governing regulation of CAFOs under the NPDES permit program. After its release, a number of environmental and agricultural organizations separately appealed several aspects of the rule. The appeals were consolidated and heard by the Second Circuit Court of Appeals on December 13, 2004, and a final decision was issued on February 28, 2005. The decision overturned several aspects of the 2003 rules, upheld several other challenged provisions, and remanded other issues for further consideration by the EPA. In June 2006, the EPA released its proposed rule to address the 2nd Circuit decision; a final rule is expected to be released in June 2007. All newly regulated CAFOs are required to submit to the permitting authority an NPDES permit application and nutrient management plan by July 31, 2007.

The provisions that were either not litigated or were upheld in the final rule of 2003, taken together with the proposed rule issued in June 2006 provide for a comprehensive approach to regulating CAFOs under the Clean Water Act, and ensure that no production area discharges will occur except in the most extreme circumstances. The regulations impose a zero-discharge limitation on the production area of a CAFO by prohibiting the discharge of pollutants into waters of the United States, except in the event of discharges that might occur during the worst 24-hour storm in a 25-year period. For many producers, this requirement means spending hundreds of thousands of dollars to build basins around portions of their feedyards to catch any runoff.

In addition, the CAFO rule establishes non-numerical effluent limitations in the form of best management practices (BMPs) for the land application and production areas of CAFOs. BMPs are measures or methods that have been determined to be the most effective, practical means of preventing or reducing pollution from nonpoint sources. BMPs for the production area include daily and weekly inspections, maintenance of depth markers in lagoons to determine design capacity, and on-site recordkeeping. A BMP for the land application area requires that CAFOs develop and implement a nutrient management plan (NMP) that sets application rates designed to minimize phosphorus and nitrogen transport to surface waters in compliance with applicable technical standards, ensures adequate storage of manure and process wastewater, and prevents direct contact of animals with waters of the United States. These NMPs must be made available to permitting authorities and the public for review, comment, and hearing prior to issuance of a permit. After approval by the permitting authority, portions of the NMP must be included as enforceable terms and conditions of the producer's NPDES permit.

Sanctions for violation of a CAFO's NPDES permit include severe civil and criminal penalties for each day of violation. The basic monetary penalties range up to \$32,500 per day. Stiffer penalties of as much as \$50,000 per day, three years' imprisonment, or both, are authorized for criminal (negligent or knowing) violations of the Act. A fine of as much as \$250,000, 15 years in prison, or both, is authorized for 'knowing endangerment', i.e. violations that knowingly place another person in imminent danger of death or serious bodily injury. Injunctive relief is also available. These penalties and sanctions are an effective deterrent to violations of the Clean Water Act.

Clean Water Act enforcement is shared by the EPA and states, with states having primary responsibility. However, EPA has oversight of state enforcement and can bring a direct action whenever it believes a state has failed to take appropriate action or where states request EPA involvement. In addition, private citizens may bring suit against persons who violate the Clean Water Act or against the EPA or equivalent state official for failure to carry out the requirements of the Act.

II. Regulation of Non-point Sources of Pollution

The Clean Water Act gives states the authority to control runoff from non-CAFO agricultural operations. This authority lies in three programs specifically designed for this purpose: the Total Maximum Daily Load program, the Section 208 program, and the Section 319 program. With adequate funding, these programs provide all the regulatory tools necessary to ensure adequate protection of our waters. NCBA urges Congress to consider ways to adequately fund these programs and give them a chance to work before going down a new regulatory path.

A. Total Maximum Daily Load Program

The Total Maximum Daily Load (TMDL) program is found in Section 303(d) of the Clean Water Act. The TMDL program requires states to establish water quality standards for its waters and monitor the conditions of those waters. For water bodies that do not meet the water quality standards after implementation of technology-based effluent limits or other pollution control programs, the Clean Water Act requires that TMDLs be established for the pollutants of concern. TMDLs are used by states to determine the maximum amount of a pollutant that a waterbody can receive from point sources and nonpoint sources in order to continue to be able to meet water quality standards, and allocates that load among pollution contributors. After a TMDL has been approved by the EPA, state and local water quality management plans are updated and control measures implemented. Non-point sources controls may be established by implementing BMPs through voluntary or mandatory programs for enforcement, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects. Implementation plans should provide for a reasonable assurance that the controls will be implemented and maintained, or an effective monitoring program to demonstrate that pollution reductions are taking place. If states fail to implement a TMDL program, the EPA is required to develop a priority list of impaired water bodies for the state and make its own TMDL determinations.

B. CWA Section 208 Gives States Authority to Control Nonpoint Pollution

In 1972, Congress passed Section 208 of the Clean Water Act which specifically gave the States the authority to regulate nonpoint pollution. Section 208 was crafted “[f]or the purpose of encouraging and facilitating the development and implementation of areawide waste treatment management plans,” to address this issue. Plans under this section are required to include:

(F) a process to (i) identify, if appropriate, agriculturally and silviculturally related nonpoint sources of pollution, including return flows from irrigated agriculture, and their cumulative effects, runoff from manure disposal areas, and from land used for livestock and crop production, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources.

Id. 1288 (b)(2)(F). The legislative history for Section 208 further clarifies Congressional intent for the program:

Agricultural runoff, animal wastes, soil erosion, fertilizers, pesticides and other farm chemicals that are part of runoff . . . are major contributors to the Nation’s water pollution problem. . . .

For the first time, the Committee bill provides a mechanism to establish a program to control the principal nonpoint sources of water pollutants . . . Each state or regional planning agency under Section [208] is required to develop plans for nonpoint source pollution control. . . .

S. Rep. No. 92-414 at 39 (1971).

C. CWA Section 319 Gives States the Ability to Improve Nonpoint Controls

In 1987, Congress passed section 319 of the Clean Water Act in an effort to improve control of nonpoint pollution. 33 U.S.C. §1329. Section 319, entitled “Nonpoint source management programs,” requires each State to: (1) identify “navigable waters within the State which, without additional action to control nonpoint sources of pollution, cannot reasonably be expected to attain or maintain applicable water quality standards . . .;” (2) identify nonpoint sources which add significant pollution to navigable waters; (3) describe the process for identifying best management practices to control nonpoint sources; and (4) identify and describe State and local programs for controlling nonpoint pollution. *Id.* §1329(a)(1).

In addition, the legislative history expresses Congress’ intent with regard to giving States discretion regarding the use of appropriate practices for controlling runoff caused by the application of nutrients to agricultural fields:

. . . [T]here exists a broad array of effective best management practices available to control nonpoint sources of pollution. For controlling agricultural runoff, these

practices include improved methods of tillage and crop rotation, the use of grassed waterways and buffer strips proper application of fertilizers and pesticides, and improved management of animal wastes and feedlots . . . This legislation allows the State to use its discretion in deciding what practices are most appropriate for a particular source or category of sources.

S. Rep. No. 98-282 at 1 (1983).

III. Potential Regulation of Manure Under Superfund

There is currently an effort underway by some activists and courts to make manure subject to regulation under our Superfund laws. Congress, we respectfully submit, should clarify that it never intended to regulate manure under the Comprehensive Emergency Response Compensation and Liability Act (CERCLA) or the Emergency Preparedness and Community Right-to-Know Act (EPCRA). Without such clarification, every animal agriculture operation or agriculture field on which manure is spread would be subject to strict, joint, several, and retroactive liability for runoff or emissions associated with its use. This outcome would essentially outlaw the use of manure-based fertilizer, and would severely jeopardize its use as an alternative energy source.

A. CERCLA

CERCLA was passed in the wake of Love Canal for the purpose of dealing with the “legacy of hazardous substances and wastes which pose a serious threat to human health and the environment.” S. Rep. No. 99-73, at 12 (1985), and “to clean the worst abandoned hazardous waster [sic] sites in the country . . .” H.R. Rep. No. 99-253, Part 5, at 2 (1985). The legislative history contains a litany of references to “synthetic,” “man-made” chemicals, “chemical contamination,” and the results of “modern chemical technology” as problems CERCLA intended to address. S. Rep. No. 96-848 at 2-6, 12 (1980); S. Rep. No. 99-11 at 1-2 (1985); S. Rep. No. 99-73, at 12 (1985); H.R. Rep. No. 99-253, part 5, at 2 (1985). It contains no reference to an intention to clean up manure or urea, or their byproducts from animal agriculture operations.

In addition to cleanup of hazardous waste sites such as Love Canal, the Senate Committee stated that the legislation was intended to cover “spills and other releases of dangerous chemicals which can have an equally devastating effect on the environment and human health.” S. Rep. No. 96-848, at 5 (1980) and commented that such releases have resulted in the “loss of livestock and food products to contaminated drinking water and feed . . .” *Id.* It also noted that Superfund “may be used to compensate an agricultural producer . . . for loss” resulting from such releases of hazardous substances” *id.* at 78, and that such losses included injury to “livestock” *id.* at 79. Livestock operations were viewed as needing protection, not as a source of regulation.

Congress also indicated the scope of the activities it intended to cover in the provisions it made for funding the “Superfund” to pay for cleanup. The tax it imposed focused on “the type of industries and practices that have caused the problems that are addressed by Superfund;”

Congress chose to impose the tax “on the relatively few basic building blocks used to make all hazardous products and wastes.” H.R. Rep. No. 99-253, Part 1, at 141 (1985); S. Rep. No. 96-848, at 19 (1980). These building blocks, or chemical “feedstocks,” are comprised of petrochemicals, inorganic raw materials, and petroleum oil because “virtually all hazardous wastes and substances are generated from these [substances].” *See id.* at 20; *see also* S. Rep. No. 99-73, at 3 (1985) (“The taxable chemical feedstocks generally are intrinsically hazardous or create hazardous products or wastes when used.”); H.R. Rep. No. 99-253, Part 1, at 141 (1985). ([T]he problems addressed by CERCLA are byproducts of production processes that use these raw materials.”) Manure, urea, and their byproducts, are clearly not among these materials.

The taxation provisions of CERCLA also indicate that substances like ammonia, when used for agricultural purposes, are not covered within the scope of CERCLA. Specifically, “nitric acid, sulfuric acid, ammonia, and methane used to produce ammonia, when used to produce or manufacture fertilizer, ... [or] when used as a nutrient in animal feed,” are exempted from taxation. S. Rep. No. 99-11, at 69 (1985); *see also* S. Rep. No. 99-73, at 9 (1985). The exemption is based largely on the premise that “taxation of these compounds when used to supplement animal feed constitutes a burden on both the animal feed industry and the American agriculture sector which appears to be unnecessary.” *Id.* Like taxation, regulation of the animal agriculture sector would constitute an “unnecessary burden.” Indeed, the burden would be so large that we do not believe animal agriculture operations would be able to continue to allow the use of manure as fertilizer, or as an alternative energy source. The potential for Superfund liability would simply be too great.

B. EPCRA

EPCRA was passed by Congress in 1984 in response to the Union Carbide disaster in Bhopal, India to force reporting of releases of hazardous substances so that federal authorities could quickly respond in the event of a sudden substantial release of such a substance that would cause harm to the public. But Congress, recognizing that “CERCLA response authorities are extremely broad . . . excluded from the scope of the federal response authority the release or threat of release “of a naturally occurring substance in its unaltered form, or altered solely through naturally occurring processes or phenomena, from a location where it is naturally found.” 42 U.S.C. 104(a)(3)(A); *and see also* S. Rep. No 99-11, at 16 (1985). The Senate Committee clarified this exception from EPA’s response authority, noting that naturally occurring releases, such as “diseases or contamination resulting from animal waste (e.g. beaver excrement),” are excluded from the response program. S. Rep. No. 99-11, at 16 (1985). Thus naturally occurring animal waste, such as urine, urea and manure, in its unaltered form, or altered solely through naturally occurring process or phenomena, are excluded from EPA’s response authority.

The flatulence, urine, urea and manure, and the releases that result from them at dry, open-air cattle operations fall, we believe, within the purpose and terms of this exemption from EPA’s response authority. Flatulence and the excretion of manure and urine from cattle are surely naturally occurring, and the location of that excretion is surely “where it is naturally found,” i.e. wherever the cattle happen to be, whether in a feed pen or a pasture. The manure and urine are unaltered. The precipitation and surface runoff affecting them are naturally occurring

processes. The only change in the location of these animal wastes occurs when they are periodically removed from the cattle pens and recycled through composting and/or application to croplands. That movement does not materially affect the bacterial decomposition of the manure or urea, which occurs independent of its removal, transportation, sometimes composting, and application to croplands as fertilizer.

Some might argue that livestock are not “naturally” contained within fenced pens or in the large numbers involved in modern cattle operations. However, this ignores that the CERCLA exemption is directed at whether the *substance* is naturally occurring, not to the context or circumstances in which the substance might be released.

For reasons that apply with equal force to livestock operations, EPA has exempted from release reporting under CERCLA several substances that are not considered to present risks that warrant regulation under CERCLA. The agency has found reporting of such releases not to be consistent with the purposes of CERCLA release reporting:

“This purpose, as the Agency has previously stated on numerous occasions, is to require ‘notification of releases so that the appropriate federal personnel can evaluate the need for a federal response action and undertake any necessary response (removal or remedial action) in a timely fashion.’ [citation omitted] . . . Thus if the Agency determines that the federal government would never, or would only rarely, take a response action as a consequence of the harm posed by the release or because of the infeasibility of a federal response, a basis for an exemption from the section 103 reporting requirements may exist.”

54 Fed. Reg. 22524, 22528.

Based on this interpretation, EPA exempted release of “naturally occurring radionuclides from large, generally undisturbed land holdings, such as golf courses and parks, along with those activities that involve the disturbance of large areas of land, such as farming or building construction.” *Id.*

With respect to disturbance of large areas of land, such as farming that caused releases of ‘reportable quantities’ of radionuclides, EPA concluded that those “activities rarely would pose a hazard to the public health or welfare or the environment because releases would be dispersed widely in the environment at levels not much (if at all) above natural background. *Id.*

In the same rulemaking EPA exempted “the dumping of coal and coal ash, as well as radionuclide releases to all media from coal and coal ash piles, at utility and industrial facilities with coal-fired boilers.” *Id.* EPA explained that it did so because “the Agency believes that the submission of individual reports from each industrial and utility facility with coal and coal ash piles may not be consistent with the purposes of the section 103 reporting requirement.” *Id.* at 22529. (Emphasis added). It found that the concentration levels from these piles

“will always be emitted continuously at low levels spread over large areas” [and]
“never will be emitted at a high rate or in an unusually large amount as the result

of a sudden episodic release Perhaps more importantly, however, a response action (i.e., removal or remediation action) under CERCLA does not appear to be the most appropriate federal regulatory response to radiation releases that are (1) similar in amount and concentration across an entire sector of industry; (2) pose acceptable exposure risks; and (3) disperse quickly in the environment such that a response is not necessary to clean up the accumulation of what has already been released.”

Id.

On March 19, 1998, EPA broadened these exemptions from release reporting requirements for radionuclides for land disturbance “to include land disturbance incidental to extraction activities at all mines except limited categories with elevated radionuclide concentrations. 63 Fed. Reg. 13460, 13462, col. 2. It stated its authority to do so as follows:

CERCLA sections 102(a), 103, and 115 together provide EPA with authority to grant administrative reporting exemptions. Such exemptions may be granted for releases of hazardous substances that pose little or no risk or to which a federal response is infeasible or inappropriate. Requiring reports of such releases would serve little or no useful purpose and could, instead, impose a significant burden on the Federal response system and on the persons responsible for notifying the Federal government of the release. Through such reporting exemptions, therefore, the Federal response system is able to more efficiently implement CERCLA and EPCRA and more effectively focus on reports of releases that are more likely to pose a significant hazard to human health and the environment.

63 Fed. Reg. 13460 (Mar. 19, 1998).

EPA’s interpretation of the scope of the naturally occurring substance exemption, and its authority to broaden it to cover other activities where response action is inappropriate, infeasible and unnecessary, have evident application and relevance to cattle operations. As noted above, manure is the kind of naturally-occurring substance Congress intended to exempt from CERCLA. And like radionuclides from golf courses, real estate development or mining, and utility coal piles, CERCLA response actions would be neither appropriate nor practical respecting emissions related to manure.

IV. Adequacy of Existing Environmental Laws

As noted earlier, cattle and other animal agriculture operations are subject to a vast array of federal state and local environmental laws and authority to deal with every conceivable environmental problem presented by them. They include the Clean Air Act, the Clean Water Act, FIFRA, soil conservation, dust and odor control, as well as nuisance laws. There is no indication that these environmental laws are inadequate.

The Superfund laws, by contrast, were adopted for the most serious and drastic environmental problems where all other environmental laws had proved inadequate, and

extraordinary remedies were called for. Superfund provides strict (no showing of wrongdoing, fault, or negligence), joint and several (an insignificant contribution [one-quarter of one percent]) can make any contributor liable for the entire cleanup), retroactive (exposure exists for activities that were legal at the time) liability, that may be imposed by unilateral order from EPA that is not subject to judicial review and carries treble damages for failure to comply. Could Congress have intended to impose such liability on the many thousands of cattle operations across America's heartland without even mentioning them? Of course not. In fact, in every instance where possible application of Superfund laws to biologic and natural process was discussed, Congress was clear to exclude those processes. That has not been enough to prevent litigation over applying the Superfund laws to manure from animal agriculture, and decisions that they apply. This is inappropriate since the other laws regulating cattle operations have not failed. Congress, we suggest, should require more than unproven assertions and suggestions prior to imposing CERCLA on farming, ranching, and cattle feeding operations. There should, we strongly suggest, be a very substantial showing of a national problem of toxic and hazardous proportions in order to justify the imposition of government's most drastic powers on its many thousands of animal agriculture operations. We hope Congress will determine that such operations do not warrant the drastic and coercive remedies of Superfund and clarify that by passing legislation excluding manure from regulation as a CERCLA hazardous substance.

V. Conservation Programs Under the Farm Bill

In addition to the array of regulatory programs described above, many cattle producers also voluntarily implement conservation practices in an effort to be as environmentally friendly as possible in their operations. Just one example is the popularity among producers of USDA's Farm Bill conservation programs. These programs provide resources to assist producers in their private land conservation goals as they work to improve their land, air, water, and natural resources. In FY2006, NRCS spent over 1 billion dollars through the Environmental Quality Incentives Program (EQIP) providing farmers and ranchers with technical and financial assistance on conservation practices and projects. From 2002 to 2006, NRCS dispersed over 2.7 billion dollars for projects to improve water quality—the majority of those funds were in EQIP projects. In the same time period, they spent almost 1.2 billion dollars conserving and improving wetlands, mainly through the Wetlands Reserve Program. Farmers and ranchers are excellent stewards of their land, natural resources, and water—their livelihoods depend on it. They should be enabled and encouraged, through programs like these, to continue to produce our nation's food and fiber in an environmentally sound and sustainable way.

IV. Conclusion

America's farmers and ranchers are responsible stewards of our nation's land, air and water resources. Their livelihoods depend on it. Among the many efforts they make every day to protect these natural resources are significant and expensive efforts to protect our Nation's waters from runoff that may be associated with their operations. Indeed, many operations are required to spend hundreds of thousands of dollars to build basins or other technologies, for this purpose; and, implement extensive nutrient management plans, subject to public review, comment and hearing, to ensure that nutrients are applied at agronomic rates on land application areas. Violation of these requirements subject producers to substantial penalties and sometimes

even imprisonment, depending on the circumstances. In addition, we believe nonpoint sources of pollution can be adequately regulated under the current regulatory framework as long as Congress provides adequate funding. NCBA urges Congress to adequately fund and allow the current regulatory framework to work before embarking on any new approach.

While these approaches to addressing any issue associated with water quality and CAFOs may be appropriate, regulation under our superfund laws is not. NCBA is hopeful that Congress will clarify that it never intended to regulate manure regulate under these laws.

Thank you for your consideration of our statement.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Truitt". The signature is fluid and cursive, with the first name "Jay" being the most prominent.

Jay Truitt
Vice President, Government Affairs
NCBA