

December 22, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, D.C. 20460

Subject: Pending CAFO Rule Guidance

Dear Administrator Jackson:

The undersigned organizations represent U.S. livestock and poultry producers from across the country who are committed to responsibly managing their animals and the manure produced on their farms and ranches to protect our nation's waters. We understand the Environmental Protection Agency (EPA) is preparing to issue final guidance implementing the Clean Water Act rulemaking applicable to Concentrated Animal Feeding Operations (CAFOs). Many of the farmers and ranchers we represent are directly affected by the CAFO rulemaking and its implementation. We urge EPA to release this guidance in draft form for review by the regulated community and other stakeholders and that you issue it in final form only after all comments have been properly taken into consideration.

The previous version of this guidance, which is still in use across the country and remains highly controversial, was the product of an out-of-court settlement between EPA and environmental groups that was negotiated behind closed doors and without any input from the regulated community. This sue-and-settle approach to policymaking has been justifiably criticized by many as unacceptable. Moreover, there is no sound or reasonable justification for issuing this version of the guidance after a similarly secretive and closed-door process.

The federal government should operate in an open and transparent manner, not behind closed doors. This guidance directly affects the ability of our nation's farmers and ranchers to continue producing the safest, most wholesome food supply in the world. They deserve to be able to submit comments on the guidance.

This administration and EPA made a commitment to an open and transparent government, and we strongly and respectfully urge you to adhere to that approach in the case of this guidance.

Thank you for your consideration of our request.

Sincerely,

National Pork Producers Council
American Farm Bureau Federation
National Cattleman's Beef Association
National Council of Farmer Cooperatives
National Chicken Council

National Milk Producers Federation
National Turkey Federation
United Egg Producers
U.S. Poultry & Egg Association

Cc The Honorable Thomas J. Vilsack
The Honorable Cass R. Sunstein