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American Farmers, Foresters Express Concern Over Federal Regulations That Will Destroy Jobs, Devastate Agricultural Sector at Joint Committee Hearing

WASHINGTON, D.C. – Today, the House Committee on Natural Resources and the House Committee on Agriculture held a joint oversight hearing titled, *“At Risk: American Jobs, Agriculture, Health and Species--the Costs of Federal Regulatory Dysfunction.”*

The hearing focused on the job, health, and economic repercussions of federal regulations that restrict the use of crop protection and pest control products registered with the Environmental Protection Agency (EPA). Federal agencies, such as the National Marine Fisheries Service and the Fish and Wildlife Service, have concluded in biological opinions (BiOps) that salmon populations could be jeopardized by the use of these products and therefore issued requirements of a quarter mile no-spray buffer around water bodies. Members at the hearing heard testimony about how these regulations will impact jobs in rural America, encourage litigation, and whether the best available science was used when developing the BiOps.

“Farmers, forest managers and other resource industries that provide food, water, fiber and energy are caught in the middle of federal bureaucratic dysfunction. This situation discourages economic growth and jobs, and encourages lawsuits. ... Implementation of these measures as written would literally force farmers out of business, devastate rural communities and cripple the food production capacity of the Northwest and potentially the rest of the nation,” **said Natural Resources Chairman Doc Hastings (WA-04).**

“Today's hearing offered a clear message: National Academies of Science's review of the Services' scientific models must be comprehensive and must analyze the economic impact of any suggested alternatives. And, until that review is completed, EPA should not be asked to implement the recently finalized biological opinions. Additionally, given the admission of fundamental flaws in the Services' model, they should consider seeking re-initiation of consultation when scientific models have been developed, validated, and agreed upon,” **said Agriculture Committee Chairman Frank Lucas (OK-3).**

At the hearing, **former director of the EPA's Office of Pesticide Programs Debra Edwards** shared her concern over the science behind the creation of the federal regulations as well as the inefficiency of the EPA's regulatory capabilities regarding pesticide consultation. *“In addition to my concerns regarding the scientific transparency of conclusions reached in existing Biological Opinions. I am concerned for the future sustainability of the pesticide ESA consultation process in general,”* said Edwards.

Barry Bushue, President of the Oregon Farm Bureau and Vice President of the American Farm Bureau Federation, also discussed the flawed scientific modeling and data used in the BiOps which support the federal regulations. Bushue testified that the BiOps were based upon *“extremely conservative worst-case scenario assumptions and flawed modeling”* that do not reflect real-life use of the EPA approved pest control products.

Dan Newhouse, testifying on behalf of the Washington State Department of Agriculture as well as the National Association of State Departments of Agriculture (NASDA), spoke of the challenges the pesticide registration process faces due to *“serious challenges from litigation to compel compliance with ESA.”* According to Newhouse, *“the consultation process is poised to collapse under the weight of proposed litigation limiting effective species protection, and adversely impacting the nation’s agricultural community.”*

Washington state agricultural production is valued at \$9.5 billion and supports 82,000 permanent jobs, according to **West Mathison, President of Stemilt Growers** in Wenatchee, Washington. Mathison testified the proposed no-spray buffers *“would have a devastating impact on existing farms and orchards in Washington.”* Mathison also highlighted the fact that growers have been largely left out of the BiOps process. *“As key stakeholders, growers seek an opportunity to provide input into the BiOps and mitigation measures identified by the Services.”*

USDA Chief Economist, Dr. Joseph Glauber testified that his office prepared an analysis of the potential impact to agriculture of the proposed no-spray buffers requested as injunctive relief in the Washington Toxics Coalition v EPA case. The analysis predicted losses in gross revenue ranging between \$37 to \$583 million, depending upon whether the no-spray buffers were applied to perennial as well as intermittent water bodies and whether the pesticide application were usually accomplished using aerial or ground spraying. Under the NMFS BiOps for salmonids, buffer strips would be potentially extended to up to 1,000 feet for some active ingredients and some affected areas. Depending on the final determination, the impact could thus potentially be larger than estimated under the Washington Toxics injunction order.

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