



## Congress of the United States House of Representatives

October 24, 2017

HOUSE COMMITTEE ON  
APPROPRIATIONS  
SUBCOMMITTEE ON ENERGY AND WATER  
DEVELOPMENT AND RELATED AGENCIES  
SUBCOMMITTEE ON HOMELAND SECURITY  
SUBCOMMITTEE ON LEGISLATIVE BRANCH  
HOUSE COMMITTEE ON RULES  
SUBCOMMITTEE ON  
LEGISLATIVE AND BUDGET PROCESS  
SUBCOMMITTEE ON RULES AND  
ORGANIZATION OF THE HOUSE

The Honorable Greg Walden  
Chairman  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable John Shimkus  
Chairman  
Subcommittee on the Environment  
2125 Rayburn House Office building  
Washington, D.C. 20515

Dear Chairman Walden and Chairman Shimkus:

I am writing to request that the House Energy and Commerce Committee hold a legislative hearing on my legislation, H.R. 848, the *Farm Regulatory Certainty Act*, which your committee holds jurisdiction. This important piece of legislation would clarify and reaffirm that the *Resource Conservation and Recovery Act* (RCRA) was not intended to govern agricultural nutrient management activities.

In 2015, a federal judge ruled in a citizen suit that dissolved manure nitrates constitute a "solid waste" under RCRA, and held four Washington State dairies culpable of "open dumping" due to their nutrient management practices. As a farmer myself, I firmly believe farmers have and must continue to lead the charge on good stewardship and conservation.

This 2015 misguided ruling has placed farmers across the country in a legal gray area. It is unfair for agricultural nutrients to be exempt from law, then have a court find farmers at fault for non-compliance with the very law they are exempt from. Farmers need certainty to what rules apply to them.

While I agree there are a number of statutes that do govern agricultural nutrient management practices, Congress never intended for RCRA to be one of those statutes. Moreover, the Environmental Protection Agency's regulations confirm that agricultural wastes, such as manures and crop residues, were not intended to be governed under RCRA.

This commonsense legislation would clarify Congressional intent on this statute, work to restore a relationship of trust and confidence between farmers and regulators, and would prevent farmers who are already engaged in legal action who are diligently working with the state or federal government to address nutrient management issues from being targeted by citizen suits.

We want to continue to encourage farmers to be good stewards, and create an environment where farmers feel comfortable working with state and federal regulatory agencies to address stewardship issues.

I look forward to working with you on this legislation and thank you for your consideration.

Sincerely,

Dan Newhouse  
Member of Congress