

December 7, 2011

Members of the U.S. Congress:

As Congress continues its work on the remaining appropriations bills for FY2012, the undersigned organizations wish to support the inclusion of certain important provisions aimed at encouraging economic growth and reining in excessive regulation. These provisions, included in the FY2012 Interior, Environment and Related Agencies Appropriations bill, as passed by the House Appropriations Committee, are bold attempts to reduce federal spending and regulatory overreach and should be part of any comprehensive FY2012 Appropriations package. Listed below are specific sections of the FY12 EPA and Interior Appropriations Bill, as passed by the House Appropriations Committee, that are common sense measures intended to preserve the ability of the affected agencies to carry out their critical missions and allow for continued economic growth.

Section 431 – Stationary Source Greenhouse Gas (GHG) Regulations

For one year from date of enactment, this section prohibits EPA from proposing, adopting, or implementing stationary source GHG regulations to address climate change, and invalidates any existing requirements for stationary sources to obtain CAA GHG permits. This is necessary because while the majority of Congress has voted one way or another to restrict EPA's ability to regulate GHG emissions, costly regulations that risk significant adverse impacts on today's fragile economy and raise significant legal concerns are continuing to be implemented.

Section 432 – Regulatory Economic Analysis

Similar to the TRAIN Act, this section requires EPA to conduct a cumulative assessment on the impact of its regulations. This would provide needed insight into the total impacts of these costly regulations on jobs, competitiveness, reliability in the energy sector and the economy as a whole.

Section 435 – Waters of the United States

In order to prevent permitting delays on construction, agriculture and other projects, this section would prohibit EPA from expanding its jurisdiction over waters of the U.S. EPA's proposed guidance would extend the Federal Government's jurisdictional reach to almost every water body in the U.S., including waters currently regulated by states, such as ephemeral streams, ponds, wetlands, ditches, etc.

Section 501 – Reducing Regulatory Burdens Act of 2011

Identical to H.R. 872, the Reducing Regulatory Burdens Act of 2011, Section 501 would eliminate certain permitting requirements for pesticide applications. This legislation has previously passed the House with broad bipartisan support and was favorably reported by the Senate Agriculture Committee also with strong bipartisan support.

Section 429 – Greenhouse Gas Reporting Restrictions

This section would prohibit funding for any rule that would require mandatory reporting of greenhouse gas emissions from manure management systems.

Section 452 – Water Quality Standards

This section would prohibit EPA from using funds to implement, administer or enforce the 2010 water quality rule for the State of Florida. In November 2010, the U.S. Environmental Protection Agency (EPA) finalized federal numeric nutrient criteria (NNC) for Florida's flowing waters and lakes. Studies conducted by the Florida Departments of Environmental Protection, Agriculture and Consumer Services and two independent studies all indicate the impact of the EPA's mandates to Florida's citizens, local governments and businesses will be in the billions.

Section 443 – Air Emissions from OCS Activities

This section seeks to prevent EPA from stalling OCS projects through the use of the CAA and the agency-created Environmental Appeals Board (EAB). It would amend the CAA to require that air emission impacts are to be measured onshore – not offshore – and clarify that any drilling vessel will be regulated as a stationary source once drilling starts. In addition, the bill would ensure that the EAB no longer claims the authority to consider or invalidate permits for OCS exploration, allowing instead for review in federal court. Finally, EPA would be required to take final action to grant or deny a permit within six months after a completed application is filed.

The provisions highlighted above are just a few examples of important efforts to restrict the implementation of harmful regulations that have not been approved by Congress and would affect numerous sections of our economy. Our industries are continuously working to enhance environmental protection while encouraging economic growth, and we applaud the House Appropriations Committee for crafting this legislation and strongly urge the adoption of these provisions and any other efforts to stimulate the economy in any omnibus FY2012 Appropriations package.

Sincerely,

American Farm Bureau Federation
American Forest & Paper Association
American Petroleum Institute
American Iron and Steel Institute
CropLife America
Industrial Minerals Association-North America
National Association of Manufacturers
National Industrial Sand Association
National Oilseed Processors Association
National Petrochemical and Refiners Association
Petroleum Marketers Association of America
The Fertilizer Institute
Treated Wood Council
U.S. Chamber of Commerce