

May 25, 2007

Dear Members of the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry:

Our organizations urge you to support strengthening the highly erodible land conservation (HELC) compliance provisions in the 2002 Farm Bill in order to reduce soil erosion and nutrient and chemical losses from farm fields. We also urge you to support strengthening the wetland conservation (WC) compliance provisions to ensure that federal farm bill subsidies are not used as incentives to destroy and degrade wetlands.

HELC compliance spurred innovations in and widespread adoption of conservation systems that made unprecedented progress in reducing erosion between 1985 and 1995. However, since full implementation of HELC compliance plans in 1995, there has been little additional progress in reducing erosion. State water quality agencies report that agriculture is still the largest source of impairment in rivers and streams, affecting nearly half of stream and river miles with water quality problems involving nutrients, siltation, and pesticides. The U.S. Department of Agriculture reports that agricultural development, grazing, and use of agricultural chemicals is responsible, in part, for the listing of 380 of the 663 species listed under the Endangered Species Act in the contiguous 48 states.

U.S. taxpayers provide generous support to agriculture through numerous farm support programs, including commodity payments, disaster assistance, crop insurance, and conservation funding. That support must provide benefits to all our citizens especially in this time of tight federal budgets. We believe these recommendations promote more fair, effective, and efficient measures for ensuring that federal farm benefits provided to our nation's farmers are linked to a minimum set of conservation standards and practices that will help protect our nation's water quality and wetlands habitat.

Thank you for considering our recommendations. We look forward to working with you to develop these ideas further.

Audubon
Center for Native Ecosystems
Defenders of Wildlife
Environmental Defense
Environmental Working Group
Friends of the Earth
Gulf Restoration Network
Humane Society of the United States
Humane Society International
Institute for Agriculture and Trade Policy
Iowa Environmental Council
Kentucky Waterways Alliance
Louisiana Environmental Action Network
Midwest Environmental Advocates

Minnesota Center for Environmental Advocacy
Missouri Coalition for the Environment
Natural Resources Defense Council
Prairie Rivers Network
Public Employees for Environmental
Responsibility
Sierra Club
Sustainable Agriculture Coalition
Tennessee Clean Water Network
The Fertilizer Institute
The Minnesota Project
The Wilderness Society
Union of Concerned Scientists
World Wildlife Fund

RECOMMENDATIONS FOR EXPANDING AND STRENGTHENING CONSERVATION COMPLIANCE

We urge you to take the following actions to provide adequate safeguards to ensure that taxpayer dollars which support the nation's agriculture production are used in a manner that promotes conservation on agricultural land to protect water quality and wetlands habitat:

- Expand conservation compliance requirements for both highly erodible land and wetlands to all recipients of federal farm benefits, including commodity payments, disaster assistance, crop insurance, and conservation funding regardless of land erosion classification or rate of erosion.
- Strengthen compliance conservation plan requirements through the following changes:
 - Require conservation plans that reduce erosion by a significant amount and to a meaningful and specific standard.
 - Require conservation plans that treat rill, ephemeral gully, and classic gully erosion.
 - Require a meaningful minimum setback from surface water sources.
 - Require nutrient management practices that optimize yield while minimizing environmental impact.
 - Update all existing conservation plans to achieve these stronger requirements.
- Strengthen administration of the compliance programs through the following changes:
 - Address the problem of waiver abuse by allowing Natural Resources Conservation Services (NRCS) field staff to report potential compliance violations to the NRCS State Conservationist.
 - Address the problem of waiver abuse by removing the Farm Service Agency (FSA) Committees from the appeals process and establishing an independent review board of resource professionals.
 - Focus exemptions only on good faith and variances on weather or disease.
 - Strengthen Swampbuster by removing graduated penalties for bad faith wetlands violations.
 - Mandate a minimum percent of tracts to receive annual compliance reviews and ensure that USDA and NRCS select a representative sample of tracts that excludes land not subject to conservation compliance provisions.
 - Allow certified, private third parties to assist in implementing and enforcing the program.
- Note in the House report the following improvements to the U.S. Department of Agriculture's (USDA) Compliance Review:
 - Require USDA to establish and maintain a consistent methodology for collecting, analyzing, and summarizing data to identify patterns and trends in enforcement across regions and states and over time.

Please do not hesitate to discuss these recommendations further. Please contact Michelle Perez, Senior Analyst, Environmental Working Group, at 202-939-9159, michelle@ewg.org and Martha Noble, Senior Policy Associate, Sustainable Agriculture Coalition, at 202-547-5754, mnoble@sustainableagriculturecoalition.org.