

July 25, 2012

The Honorable John Mica
Chairman
House Committee on Transportation
and Infrastructure
2187 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Nick Rahall
Ranking Member
House Committee on Transportation
and Infrastructure
2307 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Mica and Ranking Member Rahall:

The undersigned organizations would like to express our strong support for H.R. 3158, the Farmers Undertake Environmental Land Stewardship (FUELS) Act. H.R. 3158 would bring some much needed clarity to agriculture on the confusing requirements of the EPA's Spill Prevention, Control, and Countermeasure (SPCC) rule.

As you are aware, farming is an energy-intensive profession. Producers need fuels stored on-farm for everything from fueling mobile equipment to running irrigation pumps. Many of these tanks are seasonal use and stay empty much of the year due to the high cost of fuel and the possibility of theft. Furthermore, EPA's unusual threshold number of 1,320 gallons has no basis in science or in normal tank sizes for agriculture.

In addition, EPA's bifurcation of the rule date (before and after August 16, 2002) has brought immense, unneeded confusion to the farming community as they try to determine whether their current business model is the same that was in operation prior to the 2002 date. The requirement to have Professional Engineers (PEs) sign off on many SPCC plans adds significant costs to the producer as well as the time spent trying to find the limited number of PE's willing to work on this rule in agricultural areas. It has already led to PEs telling producers many things that aren't in the rule as they try to oversell their product.

While the undersigned organizations welcome EPA's extension of the deadline to May 10, 2013, that extension only applies to farms in operation after August 16, 2002, further confusing the industry. Furthermore, farms are still under the costly requirements of providing secondary containment to many seasonal-use tanks and developing complicated 'spill plans'. Despite pleas to the agency for compliance assistance, they have been slow to respond, and despite invitations to grower meetings, they have little funding for travel.

Thankfully, this Congress has the opportunity to ease this burden on rural America. H.R. 3158 would provide realistic threshold sizes for tank regulation at the farm level and allow more farms to self-certify thus saving time and money that would otherwise be spent in hiring PE's to sign the SPCC plans.

H.R. 3158 is common sense legislation that the undersigned strongly support. We urge the Committee and Congress to pass the bill to help relieve undue regulation on farmers and rural America.

Sincerely,

American Farm Bureau Federation

American Soybean Association

Arkansas Farm Bureau Federation

Montana Grain Growers Association

National Association of Wheat Growers

National Cattlemen's Beef Association

National Chicken Council

National Corn Growers Association

National Cotton Council

National Council of Farmer Cooperatives

National Milk Producers Federation

National Turkey Federation

Pennsylvania Farm Bureau Federation

USA Rice Federation