

August 29, 2008

Ms. Alicia Kaiser
Designated Federal Officer
Office of the Administrator (1101A)
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dear Ms. Kaiser,

The Delaware Farm Bureau recently learned that the EPA established the Farm, Ranch, and Rural Communities Federal Advisory Committee (FRRCC) with the charge to advise the administrator on environmental policy issues impacting farms and ranches. We would like to take this opportunity to share with you and the committee our concerns pertaining to the **“unannounced”** poultry farm inspections EPA have conducted in Delaware. The first **“unannounced”** inspections occurred in April, 2008. A notification was later received stating that the EPA intended to visit an additional 40-46 **“unidentified”** farms within a two week period in July that coincided with the running of the Delaware State Fair. Many farmers and ranchers participate in various activities with their children during the Fair and may not have been on the farm at the time of these proposed inspections.

Delaware farmers and ranchers contacted local officials declaring the inspections outrageous. Shortly after the EPA's **“unannounced”** poultry farm inspections occurred, the Secretary of Agriculture and the Secretary of DNREC established an advisory group to meet with EPA. Unfortunately, most farmers and ranchers perceive these meetings as a continuing attack on their industry and livelihood. Today, many farmers and ranchers are uncertain about their future and fear that this harassment will force many to consider alternative methods of farming and force poultry plants to relocate to other states and or other countries.

Obviously, our farmers and ranchers perceived this action by EPA as aggressive, unfriendly and unwarranted. Unwarranted, because in 1999 Delaware adopted a Nutrient Management Law that has received national accolades as model legislation. This legislation developed a comprehensive environmental and nutrient management strategy and program to monitor and regulate all crop and livestock operations. The Delaware Department of Agriculture (DDA) and the Department of Natural Resources and Environmental Control (DNREC) Implemented the Delaware CAFO Nutrient Management Program under a formal agreement signed by the respective Cabinet Secretaries in June 2000.

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The legislation also created a Nutrient Management Commission that oversees the implementation of the law and the administrative staff. The above agencies adopted CAFO regulations and the responsibility for the enforcement is handled by Nutrient Management Program staff.

It is felt that living under the threat of “*surprise*” EPA inspections is unjust and unwarranted. It is our understanding that the EPA’s test sample of soil and water from the first set of inspections demonstrated a level of “0” contamination. These results clearly demonstrate, that our continued use of “Best Management Practices” combined with local management and enforcement of the Delaware Nutrient Management Program is yielding the end results, so desired.

We respectfully request that your committee consider and discuss the actions of EPA conducting “*unannounced*” inspections, resulting in a blatant mistrust of the EPA and our local agencies. Should your committee require additional information or would like to have a Delaware representative attend your next meeting or workgroup meeting, we would welcome that opportunity. Thank you for considering our “plight” in Delaware.

Sincerely,

L. Edward Jestice, Jr.
President

LEJ: pt
Cc: Senator Biden
Senator Carper
Congressman Castle