

US EPA and Utah Departments of Agriculture and Food

Agriculture Smart Sectors Meeting

Salt Lake City, UT

Tuesday, July 31, 2018

Meeting Summary

Welcome and Introductions

Environmental Protection Agency (EPA) Senior Advisor to the Regional Administrator Patrick Davis and Region 8 Ag Advisor Rebecca Perrin welcomed attendees and invited the attendees to introduce themselves and offer their ideas for EPA reforms.

Stakeholder Input

Participants introduced themselves and provided the following comments organized by environmental statute:

Clean Water Act:

- Nutrient Management Plans – The intent of NMP’s is good but it is difficult to understand and implement. The plans can run 100 pages and producers won’t use it. The key information needs to be simplified to 2-3 pages in large print.
- Utah has only recently certified 3 planners (NRCS) in the state. NMP’s are required to be reviewed annually but most plans in UT have not been renewed for 10-15 years. The challenge is the requirement for a NRCS certified planner to review/renew the plans.
- CRAP app helps with nutrient application record keeping but use depends on the age of the producers and their level of tech experience.
- Participants asked for EPA’s help in learning how other states are handling nutrient management plans.
- NRCS and EPA worked on NMP software in 2003 (?) but since then case law has changed and the software is not up-to-date.
- EPA could change Best Management Plan (BMP) guidance to have states write the guidance v. EPA writing it. An example of confusion created by national guidance is the requirement of daily fresh water line inspections.
- EPA could put permit requirements ONLY in the Federal CAFO rule. There is too much detail required in the existing regulations. Limit “supporting” information in NMP’s and delineate “required” information.
- How is EPA addressing nutrient pollution from small urban farms? Example: large CAFO’s monitor water quality v. small operations and hobby farms in urban settings.

The challenge is that there are no EPA requirements for medium and small sized operations..

- NPS funding (319 grant program) – Participants asked for additional 319 funding for UT. Ex: As dairies consolidate and take on larger herds upgrading the facilities becomes unsustainable. UT receives \$1 million in 319 funding and this doesn't cover upgrading these facilities.
- Changing regulations creates uncertainty for CAFO's. It is difficult and expensive to upgrade/relocate CAFO infrastructure (near water v. away from water) to meet changing regulations.
- HABs – Participants asked for EPA's help in determining the impact of cyanotoxins in irrigation water on plants. This may be a RARE project opportunity.

Clean Air Act:

- Participants are concerned that agriculture is being brought into the air quality regulatory schema. Ex: with western wildfires magnitude escalating and agriculture grazing/managing burning land what will animal agriculture be required to do?
- EPA needs to be at the table with ag and Federal Land Managers to discuss dust pollution. UT is very dry and the concern is regional haze over national parks.
- What is the air quality status in Cache Valley, UT? This is the largest concentration of dairy farms in UT.
- Smithfield foods has a goal of reducing their carbon footprint 25% by 2025. This becomes a challenge when their digester gas pipelines cross federal lands. Ex: Smithfield will soon be submitting a NEPA application for an anaerobic digester biogas pipeline (Pinnacle Biogas) connecting to existing gas pipelines crossing Federal lands. They wanted to put this project Region 8 NEPA radar screen.
- NAEMS (National Air Emissions Monitoring Study) – What is the status of this study? Participants were concerned that sample sites in the study were not in the arid west.

FIFRA:

- Participants said the average reading level of applicators in UT is 8th grade. For the ornamental industry the average reading level is 5th grade. Understandable training modules are needed to educate applicators.
- When labels are written by technical writers they should consider the audience and write to a 5-8th grade reading level.
- Participants asked for guidance about cannabis pesticide applications from the EPA. States need support from EPA to discuss these cannabis issues.
- WPS – Regulations are complex and small producers don't have time to learn. This needs to be simplified. Ex: WPS needs a flow-chart or quick guide to know when WPS applies. This is difficult to explain to growers.

- Pesticide labels are confusing to regular people. Photos are very helpful. Some information seems duplicative and growers can't determine what applies to their situation easily.

Compliance/Enforcement:

- How does EPA define an EJ "overburdened" community? Ex: The Smith's grocery store in Layton, UT "neglects" a field adjacent to the store. They cut the weeds once a year. However, this cutting of the weeds floods neighboring homes and businesses with mice. Participants wanted to know if this community would be considered "overburdened"? They asked if EPA can help address this situation?

Miscellaneous/Communications/Another Federal agency:

- The EPA website is difficult to navigate for agriculture.
- Allowing livestock allotments boundaries to be changed to graze more federal land would reduce "fire load" and provide more income for rural communities. Currently livestock numbers or time on federal land is reduced if forage on an allotment is not adequate for current numbers of livestock and other areas of federal land burns because grazing is not allowed. If there was an easy process to move animals around to harvest existing excess forage, this could be a win for the public and producers.
- Participants appreciate the increased 2-way dialog between states and the EPA.

Next Steps

EPA staff will follow up on the various ideas suggested during the meeting and respond to individual concerns in a timely manner.