

October 28, 2013

The Honorable Barack Obama
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

RE: Environmental Protection Agency - CAFO Regulations Revisions Rule

Dear President Obama:

As a candidate for President and during the transition, you promised to control pollution from industrial livestock operations. Now, four and a half years later, these facilities are still poorly understood and their pollution is inadequately controlled. The people who live near and share waterways with these facilities are depending on your administration to act. Therefore, on behalf of the more than 350 undersigned organizations, we are writing to urge you to direct the Environmental Protection Agency to significantly strengthen the current permitting requirements and effluent limitation guidelines for concentrated animal feeding operations, or CAFOs, under the Clean Water Act rules. We would like to underscore the need and urgency for *real* improvements to safeguard America's waterways, including broadening the scope of the number and size of CAFOs that fall under the permitting structure.

As you know, CAFOs generate millions of tons of animal waste every year that can impair waterways with pollutants dangerous to human health and the environment. The EPA's own estimates indicate that animal confinement facilities generate three times as much waste as people do nationwide, but these factory farms lack treatment facilities even remotely comparable to those that treat human sewage. As a result, many operations deliver pollutant loadings - chronically and during storm events - that have contributed to the impairment of rivers, streams, and lakes across the country.

Litigation over the last major CAFO Rule revision in 2008 (73 Fed. Reg. 70,418) created what is effectively a "catch me if you can" approach to permitting operations. These issues can only be addressed by the EPA correcting the deficiencies and constructing a rule that protects our waterways by bringing more facilities into the permit program and enhances current pollution control standards.

In 1972, Congress recognized the potential threat of industrialized agriculture and acted to identify CAFOs as "point sources" under the CWA. That action gave the Agency the legal backing for controlling pollution associated with the waste generated by these facilities, and the EPA retains such authority today despite the court setbacks. Consistent with these decisions, the EPA and states may reasonably conclude that any discharge from a CAFO - including from the land application area - is not exempted "agricultural stormwater", and should be included as a determining factor in whether a CAFO needs a permit. Similarly, the EPA may require CAFOs, as "point sources" under the CWA, to submit detailed information about their operations so that water pollution control officials and concerned citizens can identify discharging facilities more readily and bring them into the permit program.

Permits are critical to ensuring careful review of local water resource vulnerabilities near CAFOs and the adequacy of facilities' manure management practices. Unfortunately, however, the current regulations have not functioned as anticipated, and according to the Agency's own estimates, almost 60 percent of CAFOs do not yet operate under NPDES permits.

To help ensure that regional and state water NPDES permitting authorities have sufficient tools to reduce discharges of manure from these operations, the EPA must restructure the current CAFO rule to correct regulatory deficiencies and confusion. The changes we seek include:

1. A narrowed definition of “agricultural stormwater” that ensures that more runoff of land applied manure is regulated under Clean Water Act permits.
2. Lower size thresholds to ensure that more facilities are considered Large CAFOs.
3. Increased oversight and control of CAFO generated manure that is transported and applied away from the CAFO.
4. Explicit recognition that integrators and meat processors that make management decisions about CAFO operations are required to obtain NPDES permits for discharges under the Act.
5. Strengthened requirements for nutrient management plans and other pollution control requirements, such as a clear prohibition on the application of manure to frozen ground.
6. Enhanced transparency of permit records and additional water quality monitoring and reporting requirements.

A revised CAFO rule that contains the elements above will help to safeguard the nation’s waters from discharges of untreated livestock waste.

Thank you for considering our views and we look forward to the proposed rulemaking.

Sincerely,

A Well Fed World (Nat’l)	Audubon Society of Greater Denver (CO)
Adrian Dominican Sisters (MI)	Audubon Society of Lincoln City (OR)
Alliance for Animals and the Environment (WI)	Azul Project (CA)
Alliance for the Great Lakes (Regional)	Bastrop County Audubon Society (TX)
American Cetacean Society, Oregon Chapter	Berks Gas Truth (PA)
American Public Health Association (Nat’l)	Black Warrior Riverkeeper (AL)
American Society for the Prevention of Cruelty to Animals (Nat’l)	Bluewater Valley Downstream Alliance (NM)
Amigos Bravos (NM)	Bold Nebraska
Anacostia Riverkeeper (DC)	Boulder County Audubon (CO)
Animal Legal Defense Fund (Nat’l)	Brighter Green (Nat’l)
AquAlliance (CA)	Buffalo National River Partners (AR)
Arkansas Audubon Society	Buffalo River Watershed Alliance (AR)
Arkansas Canoe Club	California Environmental Water Caucus
Arkansas Public Policy Panel	California Institute for Rural Studies
Arkansas Wildlife Federation	California Rural Legal Assistance Foundation
Arlington Conservation Council (TX)	California Save Our Streams Council
Assateague Coastal Trust/ Coastkeeper (MD)	California Sportfishing Protection Alliance
Association for Politics and the Life Sciences (Nat’l)	Calumet Project (IN)
Audubon (Nat’l)	Cape Fear Riverkeeper (NC)
Audubon Arkansas (Division of Nat’l Audubon Society)	Carolina Concerned Citizens (NC)
	Carolina Fly Fishing Club (NC)
	Cascadia Wildlands (OR)

Center for a Livable Future (Nat'l)
Center for Biological Diversity (Nat'l)
Center for Environmental Health (Nat'l)
Center for Environmental Law & Policy (WA)
Center for Farmworker Families (CA)
Center for Food Safety (Nat'l)
Center for Oceanic Awareness, Research, and Education (CA)
Center for Progressive Reform (Nat'l)
Center for Science in the Public Interest (Nat'l)
Center for Urban Education about Sustainable Agriculture (CA)
Center on Race Poverty and the Environment (Nat'l)
Central Coast Grown (CA)
Central New Mexico Audubon Society
Central Wisconsin Nature Foundation
Citizens Action of Indiana
Citizens Against Ruining the Environment (IL)
Citizens Campaign for the Environment (CT, NY)
Citizens Concerned for Todd County Health and Welfare (MN)
Citizens for a Future New Hampshire
Citizens for Safe Water Around Badger (WI)
Citizens for Sludge Free Land (NH)
Citizens Legal Environmental Action Network (MO)
Citizens United to Protect the Maurice River and its Tributaries (NJ)
Clark Skamania Flyfishers (WA)
Clean Up the River Environment (MN)
Clean Water Action Council of Northeast Wisconsin
Clean Water Action - Minnesota
Clean Water for North Carolina
Clean Wisconsin
Coast Action Group (CA)
Coast Range Association (OR)
Coastal Carolina Riverwatch (NC)
Coastal Conservation League (SC)
Community Association for Restoration of the Environment (WA)
Community Food and Justice Coalition (CA)
Compassion in World Farming (Internat'l)
Concerned Citizens of Acme Township (MI)
Concerned Citizens of the Yakama Reservation (WA)
Concerned Morningside Citizens (WA)
ConservAmerica (Nat'l)
Conservation Fisheries, Inc. (TN)
Consumers Union (Nat'l)
Coos Waterkeeper Brock (OR)
Copper Country Alliance (AK)
Crawford Stewardship Project (WI)
Dakota Rural Action (SD)
Delaware Audubon (DE)
Delaware Votes for Animals (DE)
Diablo Valley Fly Fishermen (CA)
Dietrick Institute for Applied Insect Ecology (CA)
Door County Environmental Council (WI)
Earth Charter, Indiana
Earth Day Coalition (OH)
EcoLakewood (OH)
Ecological Farming Association (CA)
Ecology Center (MI)
E.C. Powell Fly Fishers (CA)
Endangered Habitats League (CA)
Environment America (Nat'l)
Environment California
Environment Maine
Environment New York
Environment Ohio
Environment Oregon
Environmental Advocates (IA)
Environmental Center of San Luis Obispo (CA)
Environmental Health Watch (OH)
Environmental Integrity Project (Nat'l)
Environmental Justice Coalition for Water (CA)
Environmental Water Caucus (CA)
Environmental Working Group
Factory Farming Awareness Coalition (CA)
Family Farm Defenders (WI)
Family Farms for the Future (MO)
FishWise (CA)
Five Corners Family Farmers (WA)
FLO Foods (NC)
Flycasters, Inc. of San Jose (CA)
Food and Water Watch (Nat'l)
Food Chain Workers Alliance (CA)
Food Democracy Now (Nat'l)
Food Forward (CA)
Food Shift (CA)
Fossil Free UD (DE)
French Broad Riverkeeper (NC)
Freshwater Future (MI)

Freshwater Society (MN)
 Friends of Family Farmers (OR)
 Friends of the Central Sands (WI)
 Friends of the Earth (Nat'l)
 Friends of the Columbia Gorge (OR)
 Friends of the San Pedro River (AZ)
 Friends of Toppenish Creek (WA)
 Friends of White River (IN)
 Galveston Bay Foundation (TX)
 Garden for the Environment (CA)
 Gifford Pinchot Task Force (OR)
 Greater Grand Rapids Food Systems Council (MI)
 Green Alliance (NH)
 Greene County Farmers and Neighbors (IA)
 GreenFaith (NJ)
 Guardians of Grand Lake St. Marys (OH)
 Gulf Restoration Network (LA)
 Harpeth River Watershed Association (TN)
 Heal the Bay (CA)
 Health Care Without Harm (Nat'l)
 Helping Others Maintain Environmental Standards
 (IL)
 Heron Haven Nature Center (NE)
 High Country Citizens' Alliance (CO)
 Hoosier Environmental Council (IN)
 Hoosiers 4-Healthy Animal Agriculture (IN)
 Huachuca Audubon Society (AZ)
 Hudson Riverkeeper (NY)
 Huron River Watershed Council (MI)
 Illinois Citizens for Clean Air & Water
 Illinois Stewardship Alliance
 Independent Small Animal Meat Processors
 Association (NC)
 Indiana Animal Rights Alliance
 Inland Bays Foundation (DE)
 Institute for Agriculture and Trade Policy (Nat'l)
 InStream Conservation (WA)
 International Federation of Fly Fishers (Internat'l)
 Iowa Citizens for Community Improvement
 Iowa Environmental Council
 Iowa Farmers Union
 Iowa Rivers Revival
 Izaak Walton League, Minnesota Division
 Izaak Walton League, Seattle Chapter (WA)
 Jefferson County Farmers & Neighbors, Inc. (IA)
 John Rex Endowment (NC)
 Kalmiopsis Audubon Society (OR)
 Kansas Riverkeeper for Friends of the Kaw (KS)
 Kentucky Waterways Alliance (KY)
 Kewaunee Cares (WI)
 Kickapoo Valley Stewardship Alliance (WI)
 Klamath Riverkeeper (CA)
 Lake Erie Charter Boat Association (OH)
 Lake Erie Waterkeeper Inc. (OH)
 Lake Improvement Association (OH)
 Lakeshore Natural Resource Partnership (WI)
 Land Stewardship Project (MN)
 League of Ohio Sportsmen
 Long Beach Grows (CA)
 Lower Mississippi Riverkeeper (LA)
 Maine Farmland Trust
 Maine Labor Group on Health
 Maine Organic Farmers and Gardeners
 Maine Rivers
 Marianist Environmental Education Center (OH)
 Maricopa Audubon Society (AZ)
 Maryland Votes for Animals
 Michigan Environmental Council
 Midshore Riverkeeper (MD)
 Midwest Environmental Advocates (WI)
 Midwest Environmental Justice Organization (WI)
 Milwaukee Riverkeeper (WI)
 Minnesota Center for Environmental Advocacy
 Minnesota Conservation Federation
 Missouri Stream Team 714 (MO)
 Muskegon Save Our Shoreline (MI)
 National Black Farmers Association (Nat'l)
 National Parks Conservation Association (Nat'l)
 National Sustainable Agriculture Coalition (Nat'l)
 Native Fish Society (OR)
 Natural Resources Defense Council (Nat'l)
 Nature Abounds (PA)
 Nebraska Environmental Action Coalition
 Neuse Riverkeeper Foundation (NC)
 New Mexico Environmental Law Center
 New Mexico Wilderness Alliance
 Network North Carolina Herpetological Society
 North Carolina Environmental Justice
 North Carolina Voters for Animal Welfare
 Northern Arizona Audubon Society
 Northsound Baykeeper (WA)
 Northwest Environmental Advocates (OR)

Northwest Environmental Defense Center (OR)
Northwest Sportfishing Industry Association (OR)
Northwest Toxic Communities Coalition (WA)
Ocean Conservation Society (CA)
Ohio Ecological Food and Farm Association
Ohio Environmental Council
Ohio Environmental Stewardship Alliance
Ohio Farmers Union
Ohio League of Conservation Voters
Ohio River Foundation (OH)
Ohio State Council of Trout Unlimited
Olympic Environmental Council (WA)
Openlands (IL)
Oregon Chapter American Cetacean Society
Oregon Council of Trout Unlimited
Oregon League of Conservation Voters
Oregon Physicians for Social Responsibility
Organic Consumers Association (Nat'l)
Organic Growers School (NC)
Our Children's Earth Foundation (Nat'l)
Ozark Riverkeeper (MO)
Paddle Without Pollution (PA)
Pamlico-Tar Riverkeeper, Pamlico-Tar River
Foundation (NC)
Peach Bottom Concerned Citizens Group (PA)
People Empowered Protect the Land (WI)
Physicians for Social Responsibility (Nat'l)
Physicians for Social Responsibility – San Francisco
Bay Chapter (CA)
Physicians for Social Responsibility, WA Chapter
Potomac Riverkeeper, Inc. (DC)
Progress Ohio
Protect Wood County and our Neighbors (WI)
Public Justice, P.C. (Nat'l)
Puget Soundkeeper Alliance (WA)
RE Sources for Sustainable Communities (WA)
Richland Creek Watershed Alliance (TN)
Rio Valle Concerned Citizens (NM)
River Alliance of Wisconsin
Riveredge Nature Center (WI)
Rocky Mountain Peace and Justice Center (CO)
Rogue Riverkeeper (OR)
Rome Area Water Resource Alliance (WI)
Roots of Change (CA)
Rural Residents for Responsible Agriculture (IL)
Safe Food and Fertilizer (WA)
Salt Creek Greenway Association (IL)
San Luis Obispo Coastkeeper, Environment in the
Public Interest (CA)
Santa Cruz Fly Fishermen (CA)
Sassafras Riverkeeper, Sassafras River Association
(MD)
Save Our Sandhills (NC)
Save the Dunes (IN)
Save The Valley, Inc. (IN)
Save the Poudre: Poudre Waterkeeper (CO)
Scenic Tennessee
Severn Riverkeeper Program (MD)
Sewage Sludge Action Network (NC)
Shenandoah Riverkeeper (VA)
Sierra Club (Nat'l)
Sierra Pacific Fly Fishers (CA)
Slow Food Los Angeles (CA)
Slow Food California (CA)
Socially Responsible Agricultural Project (Nat'l)
South Central Indiana Jobs with Justice (IN)
Southern California Watershed Alliance (CA)
Spokane Riverkeeper (WA)
St. Johns Riverkeeper (FL)
Surfrider Foundation (Nat'l)
Sustain Jefferson (WI)
Sustain Rural Wisconsin Network (WI)
Sweetwater Collaborative (CA)
Tahoe Truckee Flyfishers (CA)
Taos Land Trust (NM)
Tennessee Alliance for Progress
Tennessee Citizens for Wilderness Planning
Tennessee Clean Water Network
Tennessee Environmental Council
Tennessee Parks and Greenways Association
The Bad River Watershed Association (WI)
The California Water Impact Network
The Center for Popular Research, Education and
Policy (CA)
The Conservation Foundation (IL)
The Cornucopia Institute (WI)
The Delaware Riverkeeper Network
The Endocrine Disruption Exchange (Nat'l)
The Humane Society of the United States
The Multicultural Alliance for a Safe Environment
(NM)
The Ohio Bass Federation (OH)

The Ozark Society (AR)
The Pew Charitable Trusts (Nat'l)
The Precautionary Group (WA)
The River Project (CA)
The Stewardship Network (MI)
Tip of the Mitt Watershed Council (MI)
Town and Country Resource Conservation and
Development (WI)
Tri-Valley Fly Fishers (CA)
Tualatin Riverkeepers (OR)
Tucson Audubon Society (AZ)
United Mountain Defense (TN)
United Senior Action, Inc. (IN)
University of Delaware Green Senate (DE)
Upper St. Lawrence Riverkeeper (NY)
Upper Watauga Riverkeeper (NC)
Upstream Public Health (OR)
Valley Watch (IN)
Vancouver Wildlife League (WA)
Voices for Earth Justice (MI)
Waccamaw Riverkeeper (SC)
Wasatch Clean Air Coalition (UT)
Washington Environmental Council
Washington State Council Federation of Fly
Fishers
Washington Wildlife Federation
Waterkeeper Alliance (Nat'l)
Waterkeepers Carolina (NC)
Waterkeepers Chesapeake (Regional)
Watershed Media (CA)
Waterwatch of Oregon
Waukesha County Environmental Action League (WI)
West Michigan Environmental Action Council
West/Rhode Riverkeeper (MD)
Western Environmental Law Center (OR)
Western North Carolina Alliance (NC)
White Oak-New Riverkeeper Alliance (NC)
Wichita Audubon Society, Inc. (KS)
Wild Steelhead Coalition (WA)
WildEarth Guardians (NM)
Wildflowers, Etc. (WI)
Winnicut River Watershed Coalition (NH)
Wisconsin Environment
Wisconsin Lakes (WI)
Wisconsin League of Conservation Voters
Wisconsin Network for Peace and Justice
Wisconsin Trout Unlimited
Wisconsin Wildlife Federation
Yadkin Riverkeeper (NC)

Cc: Gina McCarthy, Administrator, U.S. E.P.A.
Nancy Sutley, Chair, White House Council on Environmental Quality