



August 18, 2015

Attention: Regulatory and Agency Policy Team, Strategic Planning and Accountability
Natural Resources Conservation Service
5601 Sunnyside Avenue, Building 1-1112D
Beltsville, Maryland 20705

Submitted Via Federal eRulemaking Portal: <http://www.regulations.gov>

Re: NSAC Comments on Docket Number NRCS Proposed Changes to the National Handbook of Conservation Practices for the Natural Resources Conservation Service, 80 Fed. Reg. 43057 (July 21, 2015)

The National Sustainable Agriculture Coalition (NSAC) welcomes the opportunity to submit comments on USDA's proposed changes to Conservation Practice Standard 321 (Waste Hauling). NSAC's represented members include family farm, rural, and conservation organizations across the country that share a commitment to federal policy that promotes sustainable agriculture production systems, family-based farms and ranches, and health, vibrant rural communities.

Many of our member organizations¹ work directly with farmers and the Natural Resources Conservation Service (NRCS) field staff to promote NRCS conservation programs at the state and county level; participate on State Technical Committees and in Local Working Groups; and, as individuals, hold or have had Environmental Quality Incentives Program (EQIP) contracts.

In considering the newly proposed Conservation Practice Standard 321 (Waste Hauling), we are particularly concerned about the use of the new practice, and any associated EQIP funding to support this practice, for new or expanding concentrated animal feeding operations (CAFOs).

While we offer comments directly on Conservation Practice Standard 321 below, we must first urge NRCS to prohibit the use of this new CPS as well as other older CPSs, and associated EQIP funding, for CAFOs within impaired watersheds, within areas where there is already more manure than land available for safe manure application, and in floodplains. We recognize that there is

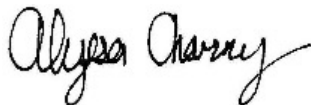
¹ Agriculture and Land Based Training Association, Alternative Energy Resources Organization, California Certified Organic Farmers, California FarmLink, C.A.S.A. del Llano (Communities Assuring a Sustainable Agriculture), Catholic Rural Life, Center for Rural Affairs, Clagett Farm/Chesapeake Bay Foundation, Community Alliance with Family Farmers, Dakota Rural Action, Delta Land and Community, Ecological Farming Association, Farmer-Veteran Coalition, Flats Mentor Farm, Florida Organic Growers, Grassworks, Hmong National Development, Illinois Stewardship Alliance, Institute for Agriculture and Trade Policy, Interfaith Sustainable Food Collaborative, Iowa Natural Heritage Foundation, Izaak Walton League of America, Kansas Rural Center, Kerr Center for Sustainable Agriculture, Land Stewardship Project, MAFO, Michael Fields Agricultural Institute, Michigan Integrated Farm and Food Systems, Michigan Organic Food and Farm Alliance, Midwest Organic and Sustainable Education Service, National Center for Appropriate Technology, Nebraska Sustainable Agriculture Society, Northeast Organic Dairy Producers Alliance, Northern Plains Sustainable Agriculture Society, Northwest Center for Alternatives to Pesticides, Ohio Ecological Food and Farm Association, Oregon Tilth, Organic Farming Research Foundation, Rural Advancement Foundation International – USA, Union of Concerned Scientists Food and Environment Program, Virginia Association for Biological Farming, Wild Farm Alliance.

indeed a clear need to move manure from areas with extreme concentrations of excess nutrients, but the addition of the Waste Hauling CPS fails to address the larger systemic issue of NRCS technical and financial support for building out new or expanding CAFO capability in areas with impaired waters, on floodplains, and in excess nutrient regions.

In light of that ongoing support for environmentally destructive technologies, the proposed new standard is underserving of public support. We therefore recommend that the use of the new standard be limited to existing CAFOs that are not expanding and also limited to regions where NRCS is assisting in watershed planning efforts to develop long-term solutions to excessive, concentrated animal facilities. In the absence of these conditions, we object to the new practice standard and urge you to withdraw it.

Thank you for the opportunity to comment on the proposed changes to the National Handbook of Conservation Practices. We hope you will incorporate our recommendations on Conservation Practice Standard 321 into the final version of the revised standards. We also hope you will take seriously to heart our recommendation for limited application of the new proposed CPS 321.

Sincerely,



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Policy Specialist



Ferd Hoefner
Policy Director

cc:

Jason Weller, Chief
Wayne Honeycutt, Deputy Chief, Science and Technology

NSAC Recommendations on Code 321 – Waste Hauling

1. Under Purpose, we urge you to rewrite the first sentence as follows: “This practice is applied to support both of the following purposes.”

We can imagine no instance in which both purposes would not have to be met and supported. It is critical that both ends of the bargain be met – the originating unit avoids land application of excess nutrients and the receiving area is able to properly utilize the agricultural waste. In fact, if both purposes are not met, there is a fatal flaw in the CPS and it should be withdrawn.

2. Under Purpose, we thank NRCS for highlighting the significance of water quality degradation resulting from the application of excess nutrients.

The Waste Transfer (Code 634) standard previously included manure hauling but it does not explicitly identify the negative impact of excess nutrients on water quality. This change emphasizes the critical value in maintaining and improving resources of concern.

The emphasis on water quality and appropriate nutrient management is critical, but without a targeted approach that prohibits NRCS technical and financial support for new or expanding CAFOs in impaired watersheds, floodplains, and excess nutrient regions, this objective cannot be fully achieved.

3. Under Conditions Where the Practice Applies, we urge you to add the following final paragraph: “*The use of this standard with respect to waste generated by livestock production is limited to existing facilities only and is not to be used in conjunction with any new or expanding facilities in geographic areas identified as having a high level of environmental risk.*”

This additional Condition is critical. Without it, we strongly object to the addition of this new conservation practice standard. For far too long, the agency has turned a blind eye to its responsibility for protection of natural resources and the environment with respect to CAFOs and instead has actively been in the business of supporting and subsidizing CAFO expansion in areas already in high environmental risk. We do not oppose the new standard if its use is limited to mitigating current abuses, but we cannot support it if the agency intends to continue to increase the size and scope of the problem.

Use of this CPS in conjunction with EQIP is particularly problematic. EQIP was never intended to be an incentive to concentrate livestock production, yet unfortunately that is what it has in part become. Given that waste storage and treatment facilities have become the second largest single user of EQIP funds, we are strongly opposed to yet another Conservation Practice Standard that would facilitate the redirection of EQIP funding to support new or expanding CAFOs. Until NRCS prohibits the spending of technical or financial assistance to new or expanding CAFOs in such environmentally sensitive areas, we cannot support the introduction of Conservation Practice Standard 321.

If NRCS continues to provide EQIP funding for CAFOs in areas where there is far more manure than land where that manure can be appropriately applied, or in areas that are classified as impaired watersheds, then using EQIP funds to haul manure from these areas is merely mitigating a problem

that NRCS helped support in the first place. In addition to these CPS 321 comments, we also continue to urge NRCS to adopt a policy that prohibits the use of EQIP funds to support this vicious cycle of contamination and mitigation.

4. Under Criteria, we recommend that you add the following language to the Hauling destination criterion: “while also ensuring the avoidance of any land application that is unable to safely and effectively absorb additional nutrients.” The entire sentence, as amended, would thus be “Select an originating site that will minimize the hauling distance while also ensuring the avoidance of any land application that is unable to safely and effectively absorb additional nutrients.

While it is important to minimize travel distance for purposes of safety and energy efficiency, it is critical that waste hauling first and foremost prioritizes the avoidance of applying excess nutrients in order to ensure soil health and water quality.

5. Under Criteria, we recommend that you add the following new first sentence to the Waste utilization/application criterion: “A nutrient management plan that meets CPS Code 590 must be held by the end user (contract holder) and by the receiving region operator.” The entire paragraph would thus read: “A nutrient management plan that meets CPS Code 590 must be held by the end user (contract holder) and by the receiving region operator. The agricultural waste must be applied in accordance with a nutrient management plan that meets CPS Code 590. Nutrient application rates for the hauled nutrients must not exceed those developed in the nutrient management plan for the land application site.”

Also, under Plans and Specifications, we recommend that you add the following language to the bullet on NRCS CPS Code 590, Nutrient Management plan: “(The end user and the operator in the originating region must both obtain a Nutrient Management plan.)”

While we support the requirement that Conservation Practice Standard 321 be used in conjunction with a CPS Nutrient Management (Code 590) plan, this requirement should be applied to the “originating region” operator as well. The proposed standard specifies that the Waste Hauling contract and corresponding nutrient management plan should be with the end user of the product, but this requirement should be extended for the originating operator as well. The originating region is ultimately responsible for the production that triggers a need for waste hauling in the first place, and therefore must be held to the same nutrient management standards as the end user.

The receiving area is defined as any land outside of the designated originating region unless otherwise noted in the NRCS FOTG. This definition and requirement completely excludes the originating region and for this reason the producer in the originating region must explicitly be held to the same standards of nutrient management as the end user.

6. Under Operation and Maintenance, we recommend that you insert the originator in the first sentence. The sentence would thus read “The originator and the end user must keep records of the material hauled from one geographical area to another.”

The owner responsible for the source of waste that is being hauled should be held to the same standards as the end user. This is not only fair, but also provides for a necessary check and balance for both parties as well as for the agency.