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State Regulations to Reduce Ag Pollution: **What's Working and What's Not**

A new [report](#) issued today addresses the failures and successes of agricultural regulations in Iowa, Wisconsin, California and other agricultural states, meant to reduce agricultural pollution that harms waters and aquatic life both locally and downstream, such as in the Gulf of Mexico where farm run-off from states upstream has created an aquatic Dead Zone the size of Massachusetts.

The report, conducted by the [Environmental Law and Policy Center](#) and the [Mississippi River Collaborative](#) a partnership of environmental organizations and legal centers from states bordering the Mississippi, examined the effectiveness of state-based rules and laws meant to regulate non-point agricultural pollution.

According to the federal Environmental Protection Agency, nonpoint source pollution, or polluted run-off, is one of the most pervasive forms of water pollution in the U.S. Nonpoint source pollution is not directly regulated by the Clean Water Act and is left up to the states.

Study authors said they found “a fragmented and poorly-implemented system of state-based regulation of nonpoint pollution.”

Authors' suggestions for improving the regulations included:

- 1) To maximize water quality benefits and level the playing field for all farm operators, most of these regulations should apply broadly to *all* agricultural operations.
- 2) Implementing agencies must be funded sufficiently to oversee compliance with the regulations.
- 3) The consequences of noncompliance should include penalties that are significant enough to deter those violations.
- 4) States should develop monitoring programs that are specifically designed to document water quality improvements resulting from these programs.

Susan Heathcote, water program director for the Iowa Environmental Council said, “Each state needs to take responsibility for protecting water quality and public health by enacting a set of rules that everyone in the state is expected to follow.”

Jerry Peckumn, an Iowa corn and soy bean farmer in Greene County, who spoke during a teleconference today, stressed how important it is that regulations apply to all farm operators.

“Farmers have to have a level playing field to be willing to implement some of these practices. For example, we still practice tillage on our farm. If we had to do no-till it would produce lower yields, but if everybody had to, we would be able to fairly compete with other farmers and preserve our soil at the same time,” said Peckumn.

No-till cropping is known to significantly reduce agricultural runoff.

One report author, Whitney Broussard, with the Institute for Coastal Ecology and Engineering emphasized that just as watersheds don’t stop at state borders, the “playing field” for farmers doesn’t stop at state borders either.

“We must coordinate efforts regionally and compliment each other’s actions in order to have an effect downstream and address root causes of pollution,” said Broussard.

Craig Cox, Senior Vice President and Midwest Director for Environmental Working Group, spoke up during the teleconference to encourage consistent funding for the voluntary practices along with more regulations.

“We need to help farmers that are doing voluntary practices and doing a good job stay on the land and make a good living for their family. When bad practices are used in vulnerable areas of the watershed, they can defeat all of progress from voluntary efforts,” said Cox.

Cox noted that voluntary programs continue to be undermined by severe federal budget cuts to funding for incentives for farmers to participate in the voluntary programs.

Authors say they hope that this report helps states to begin a process of improving current non-point source regulations to reduce nitrogen and phosphorus water pollution and maintain precious topsoil.

Iowa Note:

The report discusses seven states, including Iowa, which have some sort of state-wide regulatory programs that address agricultural nonpoint source pollution. The Iowa program featured in the report is the little known Soil Erosion Control law. This state regulation is a nuisance-like remedy against property owners who exceed proscribed soil loss limits. The complaint process is overseen by County Soil and Water Conservation Districts. Property owners can be required to fix the soil loss problem, but only if the county offers 50 percent cost share for required practices—which has resulted in little enforcement.

This week in Des Moines the Mississippi River Collaborative will be meeting to discuss this report and other issues.

See Report: Cultivating Clean Water: State-based Regulation of Agriculture Runoff Pollution at

<http://elpc.org/2010/03/29/elpcs-new-report-calls-on-states-to-regulate-water-pollution-from-agriculture>

Call Lynn at 515-244-1194, ext 210, to arrange interviews with Mississippi River Collaborative members (meeting in Des Moines this Tuesday through Thursday) and Iowa farmer Jerry Peckumn.

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