

February 15, 2011

Members of the 112th Congress
United States Senate & United States House of Representatives
Washington, D.C.

RE: Federal Numeric Nutrient Criteria

Dear Senators and Representatives:

In November 2010, the Environmental Protection Agency (EPA) finalized federal numeric nutrient criteria (NNC)¹ for Florida's flowing waters and lakes. Even though we represent national and state organizations and are not based in Florida, we are profoundly concerned with EPA's actions in Florida. It is apparent that EPA's development of NNC in Florida establishes a template for how EPA will structure and impose similar nutrient requirements nationwide. In fact, we are already seeing EPA taking steps to impose its Florida model on the six New England states in EPA Region 1 and on the states in the Mississippi River watershed, which encompasses the entire middle of the United States. Thus, the negative attributes of this unprecedented federal mandate for Florida -- unsound science, severe economic ramifications, harm to successful state water quality programs, and the absence of appreciable environmental benefits -- will likely be a narrative retold in state after state in the coming years. We respectfully request your assistance in assuring that the rest of the country does not suffer Florida's fate.

Numerous organizations, including regulated industries, the Florida Department of Environmental Protection and state and local officials in Florida, question the cost of and science behind the EPA's NNC rules. One privately funded independent economic analysis concludes that in the "most likely scenario," the first phase of the EPA rulemaking will impose statewide costs ranging from \$3.1 to \$8.4 billion per year for the next 30 years. Another study by the Florida Department of Environmental Protection, the organization that enforces Florida's water quality standards, estimates that the EPA mandates will in part impose \$21 billion in capital costs on municipal wastewater treatment and storm water utilities. Yet another study by the Florida Department of Agriculture and Consumer Services concludes that Florida's agricultural community will lose 14,545 full-time and part-time jobs and will lose \$1.148 billion annually. If costs in Florida will be as high as the studies have projected, they will surely be just as expensive for the rest of the country.

¹ In July 2008, the environmental advocacy group EarthJustice sued the Environmental Protection Agency (EPA) over Florida's water quality standards. After initially defending the lawsuit, EPA capitulated and entered into a consent decree with EarthJustice in August 2009, thereby committing to promulgate numeric nutrient criteria (NNC) for Florida. Numeric nutrient criteria replace Florida's narrative nutrient criterion with numeric standards on the amount of nitrogen and phosphorus allowed in a water body. On November 15, 2010, the EPA published its final NNC rule for Florida's freshwater bodies. In August 2012, the EPA is expected to publish its final NNC rule for Florida's canals, coastal waters and estuaries.

We respectfully request that you stop EPA from implementing or enforcing its NNC rule for Florida. The size of these costs for Florida alone is reason enough to justify this action, but when you consider the fact that 49 other states could be subjected to similar scientifically unsound criteria, it is all the more pressing that the EPA revisits these standards.

Thank you for your time and attention to our concerns. The work done to fight the EPA's Florida NNC rule should be carried out in way that considers the damage its enforcement would have on the citizens of the rest of the nation.

Sincerely,

Agribusiness Association of Iowa	National Potato Council
Agribusiness Council of Indiana	National Rural Water Association
Agricultural Retailers Association	National Sorghum Producers
American Coke and Coal Chemicals Institute	National Turkey Federation
American Farm Bureau Federation	Nebraska Agri-Business Association
American Forest & Paper Association	New York State Agri-Business Association
American Sugar Alliance	NewPage Corporation
Associated Builders and Contractors	Ohio AgriBusiness Association
CF Industries	PotashCorp
CropLife America	Rayonier
Delaware Maryland Agribusiness Association	Responsible Industry for a Sound Environment (RISE)
Eastern Municipal Water District	Rocky Mountain Farmers Union
Far West Agribusiness Association	South Dakota Agri-Business Association
Georgia Agribusiness Council	Southern Crop Production Association
Georgia-Pacific	Southern States Cooperative, Inc.
Illinois Fertilizer and Chemical Association	Syngenta
J.R. Simplot Co.	Texas Ag Industries Association
Kansas Agribusiness Retailers Association	The Fertilizer Institute
Koch Fertilizer LLC	U.S. Cattlemen's Association
Michigan Agri-Business Association	U.S. Poultry & Egg Association
Mid America CropLife Association	United Egg Producers
Minnesota Agri-Growth Council	United States Chamber of Commerce
Minnesota Crop Production Retailers	Virginia Farm Bureau
Missouri Agribusiness Association	Virginia Poultry Federation
National Alliance of Forest Owners	Western Environmental Trade Association
National Association of Home Builders	Western Plant Health Association
National Association of Manufacturers	Wisconsin Crop Production Association
National Association of State Departments of Agriculture	Wyoming Ag-Business Association
National Cattlemen's Beef Association	Wyoming Association of Conservation Districts
National Chicken Council	Wyoming Crop Improvement Association
National Corn Growers Association	Wyoming Farm Bureau Federation
National Council of Farmer Cooperatives	Wyoming Stock Growers Association
National Milk Producers Federation	
National Mining Association	
National Pest Management Association	