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Water Pollution

Institute's Report Urges Large-Scale Farmers Receiving Subsidies to Limit Nutrient Runoff

An Environmental Law Institute report said farmers earning at least \$500,000 from growing commodity crops and receiving federal subsidies should be required to engage in practices to reduce nutrient runoff from fertilizers.

The report also urged the same producers to disclose the type, quantity, and timing of the fertilizers that are applied.

Released June 28, *Subsidies with Responsibilities: Placing Stewardship and Disclosure Conditions on Government Payments to Large-Scale Commodity Crop Operations* said nutrient runoff remains a problem particularly in streams, lakes, and rivers near farms that produce commodity crops such as corn, soybeans, and wheat.

The report singled out farmers growing such crops because they are not required to control nutrient runoff from their farms as part of receiving federal subsidies for commodity crops. Farmers who receive direct subsidies are required to minimize soil erosion only, not nutrient runoff, Linda Breggin, senior ELI attorney and the report's co-author, told BNA June 29.

Moreover, the report found that almost 60 percent of all farm sales of corn, soybeans, and wheat were attributable to large-scale commodity farms in 2009. Further, the report found that large-scale farms (of all types) represent only 6 percent of U.S. farms but received more than half of all 2009 government commodity crop payments.

And in 2009, more than 90 percent of large-scale commodity crop operations received federal subsidy dollars, in contrast to only 37 percent of all farms.

Little Environmental Protection Provided. And yet, the report said, "environmental laws provide little protection, as agriculture is routinely exempted," and the "the

costs associated with these environmental impacts are borne by the public, including even the commercial and recreational users of downstream waters."

The Environmental Law Institute report said it deliberately limited the report's recommendations to large-scale commodity crop operations to avoid cases of undue economic hardship.

The report pointed to the 2012 farm bill as "a ready-made tool for achieving almost immediate reductions of pollution generated by large-scale commodity crop operations without requiring an increase in federal subsidy payments."

However, Breggin said, the report also recommends that farmers receiving federal subsidies certify themselves that they will limit fertilizer application to avoid nutrient runoff.

The report comes as the House Agriculture Committee prepares to hold a markup July 11 of its version of the 2012 farm bill. Committee spokeswoman Tamara Hinton could not say exactly when the draft version of the farm bill would be released, but she told BNA June 28 that it would happen prior to markup.

Senate Bill Address Conservation Practices. The Senate adopted the Agriculture Reform, Food, and Jobs Act (S. 3240) on June 21. That bill contained language, owing to a successful amendment offered by Sen. Saxby Chambliss (R-Ga.), that would make it mandatory for farmers receiving federal crop insurance subsidies to comply with basic conservation practices.

However, conservation advocates have told BNA that the House, like the Senate, will most likely resist such language in the initial draft of the bill (120 DEN A-13, 6/22/12).

The Healthy Waters Coalition, which is made up of state and municipal water and wastewater officials and conservation advocates, has been lobbying Congress to require farmers receiving any form of federal subsidies to take steps to reduce runoff containing pollution from

nitrate and phosphates found in fertilizers (44 DEN A-12, 3/7/12).

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The Environmental Law Institute report, Subsidies with Responsibilities: Placing Stewardship and Disclo-

sure Conditions on Government Payments to Large-Scale Commodity Crop Operations , is available at http://www.elistore.org/reports_detail.asp?ID=11435.