

114TH CONGRESS
1ST SESSION

H. R. 1993

To permit the chief executive of a State to create an exemption from certain requirements of Federal environmental laws for producers of agricultural commodities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2015

Mr. WALBERG introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To permit the chief executive of a State to create an exemption from certain requirements of Federal environmental laws for producers of agricultural commodities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Flexibility to Farm
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The agricultural community of the United
2 States serves as the economic backbone of many
3 communities and employs millions of Americans.

4 (2) In recent years, one-size-fits-all policies
5 issued by the Environmental Protection Agency have
6 increased dramatically, requiring agricultural pro-
7 ducers to focus on regulation compliance rather than
8 on growing the world’s healthiest, most abundant
9 food supply.

10 (3) Attempts by the Environmental Protection
11 Agency to expand the definition of “Waters of the
12 United States” under the Federal Water Pollution
13 Control Act expand the scope of Federal jurisdiction
14 under that Act well beyond the intent of Congress,
15 and would eliminate a central precept of that Act,
16 which reserves certain waters to the exclusive juris-
17 diction of the States.

18 (4) The Environmental Protection Agency’s
19 proposed revisions to the existing National Ambient
20 Air Quality Standards (NAAQS) for ozone would
21 impose significant costs on agriculture and rural
22 counties.

23 (5) An increasing number of poultry and live-
24 stock operations have been forced to apply for per-
25 mits under the National Pollutant Discharge Elimi-

1 nation System resulting from the Environmental
2 Protection Agency's expanding definition of what
3 constitutes a discharge under the Federal Water
4 Pollution Control Act.

5 (6) Duplicative and costly permitting require-
6 ments under the Federal Water Pollution Control
7 Act will require additional National Pollutant Dis-
8 charge Elimination System permits for pesticide ap-
9 plications, subjecting pesticide users to unnecessary
10 red tape and financial burdens while exposing them
11 to the threat of unfounded litigation.

12 (7) The Environmental Protection Agency pro-
13 posed rules to limit greenhouse gas emissions under
14 section 111(d) of the Clean Air Act threaten the re-
15 liability and affordability of our Nation's electricity
16 supply and would impose an undue burden on agri-
17 cultural producers.

18 (8) The Federal Government should not impose
19 further rules or regulations that are overly burden-
20 some or cause economic hardship for the agricultural
21 community.

22 **SEC. 3. UNDULY BURDENSOME REGULATIONS EXEMPTION.**

23 (a) IN GENERAL.—If the chief executive of a State
24 determines, in accordance with this section, that a require-
25 ment of a covered Federal environmental law, or a regula-

1 tion thereunder, has (or will have) a significant adverse
2 effect on persons in the State acting in their capacity as
3 farmers, such requirement or regulation shall not apply
4 to persons in the State acting in that capacity.

5 (b) PROCEDURE.—Before finalizing any determina-
6 tion under subsection (a), the chief executive of a State
7 shall solicit and accept public comments regarding such
8 determination for a period of not less than 90 days.

9 (c) DEFINITIONS.—In this Act:

10 (1) COVERED FEDERAL ENVIRONMENTAL
11 LAW.—The term “covered Federal environmental
12 law” means—

13 (A) the Clean Air Act (42 U.S.C. 7401 et
14 seq.), insofar as such Act applies to emissions
15 of air pollutants other than emissions resulting
16 from the combustion of any fossil fuel; and

17 (B) the Federal Water Pollution Control
18 Act (33 U.S.C. 1251 et seq.).

19 (2) FARMER.—The term “farmer” means—

20 (A) a producer, as that term is defined
21 in—

22 (i) section 1111 of the Agricultural
23 Act of 2014 (7 U.S.C. 9011); and

24 (ii) section 212 of the Agricultural
25 Marketing Act of 1946 (7 U.S.C. 1635a);

1 (B) a dairy operation, as that term is de-
2 fined in section 1401 of the Agricultural Act of
3 2014 (7 U.S.C. 9051); and

4 (C) a producer of a specialty crop, as that
5 term is defined in section 3 of the Specialty
6 Crops Competitiveness Act of 2004 (7 U.S.C.
7 1621 note; Public Law 108–465).

8 (3) STATE.—The term “State” means any of
9 the several States of the United States, the District
10 of Columbia, the Commonwealth of Puerto Rico, the
11 United States Virgin Islands, Guam, American
12 Samoa, the Commonwealth of the Northern Mariana
13 Islands, and any other territory or possession of the
14 United States.

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