



Chelsea Morris
Department of Ecology, Water Quality Program
PO Box 47696
Olympia, WA 98504-7696

Dear Chelsea Morris:

The Washington Farm Bureau (WFB) represents the interests of farmers and ranchers across the state who provide our food and many renewable resources used by citizens in our state every day. We represent over 46,000 member families, who develop policies through our grassroots democratic process, continue to oppose any expansion of CAFO permitting, in addition to the specific examples below. We request that you reconsider and/or remove the following areas of concern farmers have on the draft rules changes to the Concentrated Animal Feeding Operation (CAFO) General Permits:

1. Reconsider the definitions presented for a Concentrated Animal Feeding Operation (CAFO) due to being inconsistent. The [Redline version of the draft Combined permit \(draft permit\)](#) as provided by the [Department of Ecology's website](#), clearly defines "small CAFOs" and "CAFOs" generally by the number of livestock on a given farm/facility, see page 2, Table 2. The [Small Business Economic Impact Analysis \(SBEIA\)](#) references [federal rule 40 CFR 122.23](#) for definitions and sizes of CAFOs. [Revised Code of Washington 90.64.170](#) also references federal rule 40 CFR 122.23. If RCW 90.64.170 provides the definitions of CAFOs. The Department of Ecology should not create another category of CAFO by changing definitions in the state/combined CAFO permit, thus creating confusion for small operators who are not intended to be included in the rule.
2. In S7.B, restore the six-month grace period for obtaining a Manure Pollution Prevention Plan (MPPP), especially for small farm operations who may need to apply for a permit and develop the plan at the same time. This allows small businesses time to address concerns and inadvertently discriminates against new and beginning farmers who are working to expand their operation or production capacity to grow a sustainable operation for their family.
3. Remove the ambiguity that has been added in throughout the ruling on how a potential CAFO is "discovered" by Ecology (at the discretion of the agency) and made to apply for a permit – no business can plan without a clear distinction of what will trigger additional costs to their business, and this will disproportionately impact farm operators of limited resources unless included with funding to support implementation of the MPPP and permit requirements.
4. Eliminate references and requirements for Riparian Management Zones (RMZ): Section S4.N of the draft permit sites riparian management zones and vegetative filter strips of at least 35' wide as new field discharge management practices. Furthermore, the sited *Appendix J: Restoration and Planting of Ecology's State Fiscal Year 2023 Funding Guidelines—Water Quality Combined Funding Program* uses site potential tree height (SPTH) as adequate practices to "limit the discharge of pollutants." Science used to justify wildlife protection practices is not interchangeable with water quality protection practices. Complying with such standards would be devastating to the fruitful and productive agriculture that maintains adequate floodplains across western Washington. Eliminating use of this area will lead to a reduction in the state



production of berries, dairy products, tulips, fresh cabbage and beet seed, brewers' grains, etc. Farmers protect these floodplains from other land-uses that are less desirable such as the ongoing development of western Washington in the Chehalis, Snohomish, and Nooksack valleys that threaten the natural seasonal flows of our waterways. While these examples do not come under the CAFO standards, these crops are just a few examples of production made possible by utilizing the nutrients that neighboring livestock farmers provide. Additionally, voluntary implementation of riparian buffers and waterway exclusion is already covered in state and national conservation programs through, the Voluntary Stewardship Program, District Soil Conservation projects, and NRCS programs.

5. Create Flexible Soil Testing Standards to Allow for Regional, Seasonal and Production Practices Differences: While the rule is addressing CAFO, soil testing on the farm is a key component of all nutrient management planning and must make sense for the business use of the information gained. Testing by an arbitrary deadline, such as published in section S.4.J requiring post-harvest soil testing before October 1st illustrates a great disconnection to our ag industry and the realities of the seasons, soils, and land-uses across the state. Soil samples required after harvest and before nutrient application or significant applications of water are plausible. Blanket sampling requirements before October 1st serves little purpose.
6. Remove or clarify with additional information the section on non-permeable surfaces: The Department of Ecology has made a distinction between wetter and drier climates – those of which meet or exceed 25 inches of rainfall each year. The overarching approach to applying solid material requirements for all nutrients and climatic zones on low permeable surfaces is not well justified. Ecology must present reasonable claims and information that leaching does in fact occur near solid materials in drier climates (>25' rain/yr) with tests excluding the exemptions listed in S3.C for the draft permit. The areas that should be removed from consideration include feed storage areas, compost sites and other named storage areas on permitted CAFOs.
7. Small farms in the state often rely on the larger farms and their CAFO as a key market for their livestock, so additional restrictions that may lead to reductions in capacity for a few, can negatively impact the entire food chain. Disruptions similar to what we experienced during the pandemic, as we know, can create ripple effects that extend well beyond the rules. Adding to the many challenges of farming, expanding permits and rules without funding to support farmers will lead to additional loss of land in production on farms and ranches of all sizes and weaken the second largest industry, the backbone of our state.

Please consider the concerns our farm and ranch members have for expansion of this rule. The fact is, they must plan their crops, livestock and other parts of their operation months and years in advance to withstand the many economic, environmental, and social pressures that make our industry one of the most difficult in the nation to predict. It tears families apart when their dream of feeding others is hampered by regulations and processes that reduce their ability to provide food, aesthetics, agritourism and so much more to our fellow citizens in the state and beyond. We are great stewards of the land and want to continue being good neighbors, so we're commenting on behalf of all producers despite the appearance of this rule mostly impacting larger farm operations. With limited land availability, livestock production by all size farms is necessary to feed our growing population and our farmers stand ready to continue the legacy of protecting the land and water as they have for generations.



Finally, the attempt to draw correlations between farmers with a wide variety of CAFO applications and their potential for so called “significant” discharge based solely on their number of livestock, inadequate and undefined tests or parameters, square footage of infrastructure and/or total possible acres fails to address the breadth and complexity of farm operations in the state. Washington Farm Bureau stands ready to be a part of the conversation in future evaluations of permitting and rules relative to farming so we can help the agency best address the issues while supporting the industry that feeds us every day.

Thank you for the opportunity to offer our comments and recommendations.

Sincerely,

A handwritten signature in cursive script that reads 'Rosella Mosby'.

Rosella Mosby, WFB State President, Farm Bureau Member, and Farmer