

March 27, 2017

The Honorable Ron Johnson  
Chairman  
Senate Committee on Homeland Security  
and Governmental Affairs  
328 Hart Senate Office Building  
Washington, DC 20510

The Honorable Claire McCaskill  
Ranking Minority Member  
Senate Committee on Homeland Security  
and Governmental Affairs  
503 Hart Senate Office Building  
Washington, DC 20510

Dear Chairman Johnson and Senator McCaskill:

The undersigned organizations represent the breadth of American agriculture. Our members are involved in virtually every aspect of agricultural production – from agricultural producers of row crops, specialty crops and livestock to crop input suppliers to agricultural facilities like grain elevators, feed mills and commodity processing. They hail from every state and region of the country – from Puerto Rico to Hawaii. We do not – and would not – support legislation that compromises food safety, nor would we advocate or encourage Congress to consider legislation that would endanger Americans or jeopardize our livelihoods.

We mention this because you recently received correspondence urging you to oppose HR 5 on grounds that it would “jeopardize the safety of our food supply.” We do not agree with that characterization of the legislation. And, unlike the groups that signed that letter to you, our members actually grow crops and livestock and handle and process human and animal food. They do it for a living. Consequently, they have a vital, personal stake in assuring the safety and affordability of the food we put on America’s table. They care about what they produce, what they sell, and what they and their neighbors eat. They have not encouraged, do not support and would not advocate for legislation or a rulemaking process that betrays what they do for a living.

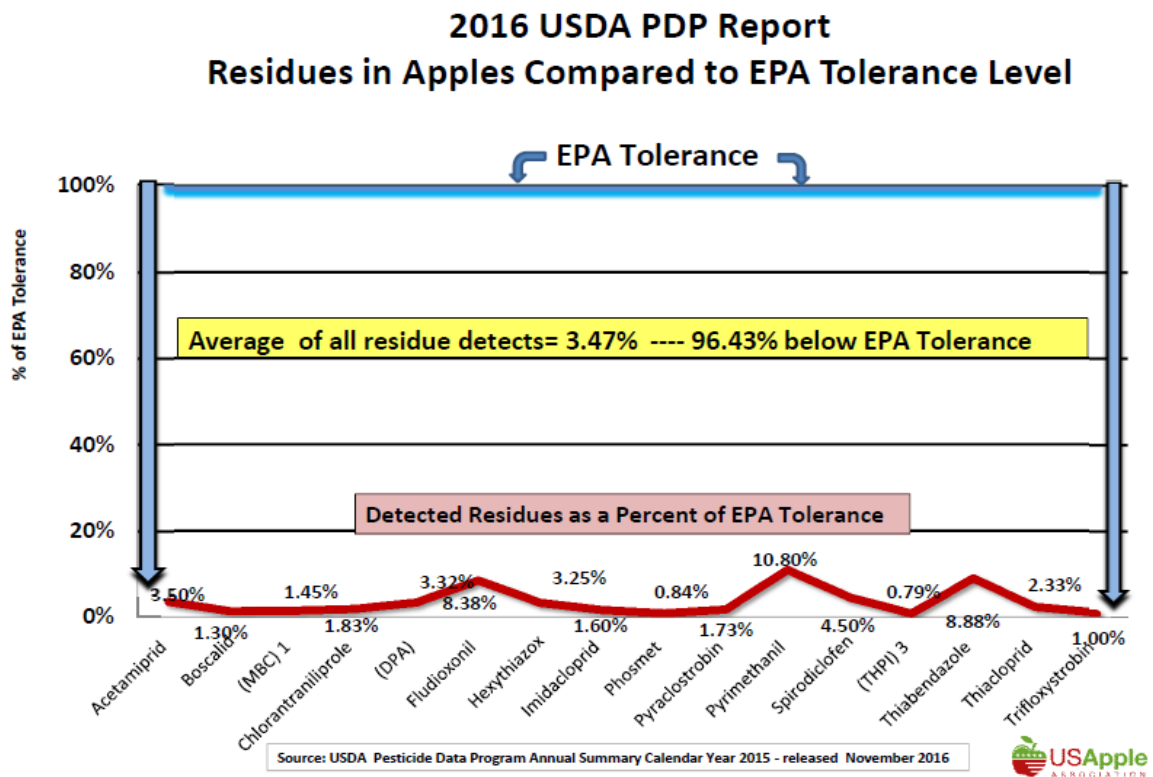
Last year, many of our organizations – 53 agricultural organizations in all – signed a white paper urging Congress to reform and improve our nation’s rulemaking process. That paper laid out certain principles – greater transparency, the use of sound science, greater sensitivity to costs and benefits, strengthening federalism with state partners, strengthening the public’s right to know, holding agencies accountable for their use of economic and scientific data – that we felt should form the basis of legislation. We did not pluck these principles out of thin air. They are reflected in Executive Orders going back decades, from Democratic and Republican Presidents. We believe that everyone – farmers, ranchers, environmentalists, scientists, regulators, elected lawmakers, journalists – should be able to rely on the integrity of the rulemaking process.

Too often today, that process falls short. How an agency uses economic data matters; it should be transparent. The science that underpins rulemakings should be available for all to view and evaluate. When an agency spends months or years working on a proposal, it should provide affected stakeholders – and its co-regulators in the states – sufficient time to examine, evaluate and respond to its proposal. If an agency proposes a rule of far-reaching impact – as EPA did in its ‘waters of the US’ (WOTUS) proposal – it should do its utmost to let those affected know of

its potential impact. But it should not step over the line (as EPA did) and use social media to lobby the public in favor of its own proposition.

These are common sense reforms, and we welcome the dialogue that has been ongoing in the Senate to craft a truly bipartisan, sensible approach. We commend Senators Portman, McCaskill, Lankford and Heitkamp for the discussions in which they've been engaged for weeks to find common ground on these issues. They deserve support – not extreme rhetoric that only seeks to foreclose meaningful bipartisan agreement. That kind of rhetoric threatens to impede constructive bipartisan reform and it does not lead to informed debate. We would like to cite one example because we believe it illustrates much of the unfounded rhetoric that has accompanied this issue.

One of the signers of the letter you received, the Environmental Working Group (EWG), just released its 'dirty dozen' list of foods that are – in EWG's words – "contaminated with pesticides." The list included apples (#4). Glance at this chart:



You don't need to be a scientist to see that pesticide residues for apples were 96% below EPA's tolerance level – which already incorporates safety factors ranging from 10-100x. Are apples safe? Absolutely! But a consumer only looking at the 'dirty dozen' list and not delving more deeply into the issue might come away with a far different impression – the impression that they were 'contaminated.' When a food that is safe – and healthy – to eat is put on a 'dirty dozen'

list, potentially discouraging consumers from purchasing the product, we have to ask: who's being transparent, open and honest with consumers?

We urge you and the members of your committee not to be distracted by alarmist rhetoric. We hope you will continue your bipartisan negotiations on substantive, meaningful legislation. We pledge our readiness to work with you on reforms that improve the rulemaking process.

And if at any time you are concerned that any particular provision will jeopardize food safety, we encourage you to reach out to us. We stand ready to work with you to assure that we keep America's food safe.

Sincerely,

Agricultural Retailers Association  
Agribusiness Council of Indiana  
Agri-Mark, Inc.  
American Dairy Coalition  
American Farm Bureau Federation  
American Seed Trade Association  
American Soybean Association  
American Sugar Alliance  
American Sugar Cane League  
American Sugarbeet Growers Association  
AmericanHort  
California Specialty Crops Council  
Dairy Producers of New Mexico  
Dairy Producers of Utah  
Exotic Wildlife Association  
Far West Agribusiness Association  
Federal Forest Resource Coalition  
Georgia Agribusiness Council  
Idaho Dairymen's Association  
Kansas Agribusiness Retailers Association  
Minnesota Crop Production Retailers  
Missouri Dairy Association  
National Agricultural Aviation Association  
National Aquaculture Association  
National Association of Wheat Growers  
National Council of Agriculture Employers  
National Council of Farmer Cooperatives  
National Corn Growers Association  
National Cotton Council  
National Grain and Feed Association  
National Milk Producers Federation  
National Pork Producers Council

National Potato Council  
Northeast Dairy Farmers Cooperatives  
Ohio AgriBusiness Association  
Oklahoma Agribusiness Retailers Association  
Oklahoma Grain and Feed Association  
Oregon Dairy Farmers Association  
Rocky Mountain Agribusiness Association  
Rural & Agriculture Council of America  
St. Albans Cooperative Creamery, Inc.  
Texas Ag Industries Association  
The Fertilizer Institute  
United Fresh Produce Association  
United States Cattlemen's Association  
US Apple  
USA Rice  
Upstate Niagara Cooperative