



GAESSER FARMS

**WRITTEN TESTIMONY OF RAY GAESSER
OWNER/OPERATOR OF GAESSER FARMS
CORNING, IA**

BEFORE THE

**UNITED STATES SENATE COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS**

**HEARING ENTITLED
“STAKEHOLDER REACTIONS: THE NAVIGABLE
WATERS PROTECTION RULE UNDER THE CLEAN
WATER ACT”**

WEDNESDAY, SEPTEMBER 16, 2020 AT 10:00AM

Good morning, Chairman Barrasso, Ranking Member Carper, and Members of the Committee. A sincere ‘thank you’ to Senator Ernst for inviting me to speak on the Navigable Waters Protection Rule under the Clean Water Act. It’s truly an honor to share my perspectives on behalf of Iowa’s hard-working farm families.

My name is Ray Gaesser and I join you today from my family farm located near Corning in southwest Iowa. Born and raised on a farm in southern Indiana, I always knew what I wanted to do when I grew up. I wanted to farm – grow the food we eat, the fiber we wear, and the renewable fuel we use. Almost 43 years ago, my wife, Elaine, and I set out on our own. Our journey brought us here to southern Iowa where we put down roots and began growing soybean and corn. Like so many American farmers, we have survived, and sometimes thrived, through the many uncertainties that come with the business. Maybe we’re stubborn. Maybe we’re hard-headed. But I think we’re just passionate. Passionate about producing a healthy food supply, improving the quality of life for rural communities, and leaving this Earth better than we found it for the next generation to enjoy and prosper. Through it all, Elaine and I have raised a loving family, supported those around us, and given back to an industry that’s given us so much.

Ever since we planted our first seed, our mission, and everything we do to support it, has been to protect our greatest asset – the soil. The conservation practices we’ve adopted and implemented have allowed us to grow more from less, sequester carbon, reduce nutrient runoff, and clean our water. We have invested our time, energy and hard-earned money into building the conservation infrastructure, including waterways and terraces, needed to accomplish our mission. In 1991, we transitioned our entire operation from conventional tillage to no-till or zero tillage, meaning we now grow crops with minimal disturbance to our fields and the organisms that call them home. Today, we also seed cover crops on more than half our farmland, with a goal to reach one-hundred percent cover crop coverage and protection in the near future.

We have cared tirelessly for the soil that we have been blessed with and built our business on, with the hope that our next generation would share the same passion for agriculture, care for the land, our values, and someday, carry on the family farm. That hope became a reality in 2009 when our son, Chris, after earning his agronomy degree from Iowa State University and obtaining gainful employment off the farm, came home and said, “You know, all I really want to do is to farm with you.”

Our farm’s mission and partnership with Chris were soon thrown into jeopardy when the Obama Administration muddied the waters with its 2015 WOTUS rule. The EPA wrote a rule that threatened my farm with jaw-dropping penalties and even criminal prosecution for plowing or spraying a “water of the U.S.” But it was so broad and vague that under the “water of the U.S.” definition, most any land where water sometimes flowed or ponded after a rain, would be regulated by the federal government.

I’m here today, not to complain or make excuses, but to share the realities of farming and why a one-size-fits-all regulation does not effectively or efficiently mitigate what’s out of our control.

The only certainty for farmers and ranchers today is uncertainty. We do our very best to manage our farms through unpredictable weather and market volatility. Our landscapes and environments are so diverse, there is no one perfect model. Instead, we need the ability to operate and make the best decisions possible. This includes targeting specific areas of the field, to innovate cropping systems, to successfully manage and mitigate the uncontrollable factors I’ve mentioned is paramount. After all, my livelihood depends on it, my family’s livelihood depends on it, my son’s livelihood depends on it.

The 2015 WOTUS rule made every small wetland, ditch or ephemeral stream on my farm a regulatory landmine. It was an enormous overreach by an administration that prevented me from being able to fully use my land. As I stated earlier, the rule's broad definition expanded federal jurisdiction far beyond what was authorized by Congress, resulting in burdensome requirements, widespread uncertainty, and legal risk for farmers and ranchers. It would have given the federal government jurisdiction over 97 percent of the land across Iowa. The rule was so expansive that farmers would have had to obtain costly permits or pay fines for conducting normal activities like spraying weeds or installing fence.

When the federal government regulates other industries, those added regulatory costs can be passed on to consumers, so the costs are spread out and everyone pays. In a commodity business like agriculture, our prices are subject to the global marketplace, with no opportunity to pass regulatory costs or permitting to anyone else. Let us not forget the weather uncertainty that has created havoc and spoiled the best-laid local, environmental plans. Over the years, we've dealt with drought, floods, blizzards, and most recently, an inland hurricane with winds topping 130 miles per hour impacting nearly one-third of Iowa's cropland.

Farmers and ranchers care about clean water and preserving the land, which are essential to producing healthy food and fiber and ensuring future generations can do the same. That's why we support the new clean water rule – the Navigable Waters Protection Rule. This rule provides clarity, certainty and commonsense allowing farmers like me and my son Chris the freedom to farm, all while achieving important regulatory oversight. This new rule does not change who oversees permanent waterways, such as lakes, rivers and streams. Instead, it ensures that states can enforce their own robust environmental laws to position farmers and rural communities for long-term success. It's a very reasonable definition of "waters of the U.S." within the limits set by Congress.

I like to say, "The rain falls on all of us." By the same token, clean water matters to all of us. Just like we all want – and need – access to safe water for ourselves and our families, we ALL have a role to play in protecting our soil, cleaning our water, and mitigating unpredictable weather events. Farmers have been calling for clean water and clear rules for years, and now, with the Navigable Waters Protection Rule, we know it's possible to have both.

These are sometimes personal responsibilities, sometimes public. Rather than force a square peg into a round hole with a one-size-fits-all approach, it's in our country's best interest to provide research, technical assistance, and incentives encouraging innovation. This continuous improvement is the catalyst for allowing U.S. farmers the ability to grow more food using fewer resources, protecting our soil, improving soil health, cleaning our water, and restoring wildlife habitat. That's why I remain hopeful that the 2015 WOTUS rule is forever relegated to the archives of history.

It's evident that when we work together, we all benefit. Commonsense policy, paired with Smart Agriculture practices, will allow me and my son Chris to meet our mission of protecting the soil we farm. Together, they will allow farmers to be a part of the solution to growing more resilient food, fiber, and fuel. That seems practical to me. That's why the Navigable Waters Protection Rule is the best approach to improving the livelihood of American farm families, rural communities and businesses.

Thank you again for allowing me to share my story, thoughts and values on behalf of Iowa's farmers. I am happy to answer any questions you have.