

**Testimony of
Delaware Secretary of Agriculture Michael T. Scuse
before
Senate Environment and Public Works Committee**

February 7, 2018

Good morning, Chairman Senator Barrasso, Ranking Member Senator Carper, and members of the committee. I appreciate the invitation to speak today about the impacts of federal regulations and policies on American farming and ranching communities.

Delaware has benefitted from many of the environmental policies and regulations that have come from our federal partners. We are able to see examples on a daily basis that are benefitting not only our family farms, but also the State and our efforts to improve the environment.

Middletown, Delaware – once a large farming community – continues to have good neighborly relations. While their understanding of agriculture might not be the same as the original farm community, Middletown’s citizens have embraced agriculture through education and advocacy from the local agriscience programs, Cooperative Extension, and farm groups. As you can imagine, the influx of additional residents has increased the usage of water resources, while farmers still need to irrigate their fields. Through the town’s wastewater treatment plant, wastewater is recycled and used as spray irrigation on neighboring farms.

As a part of the Chesapeake Watershed, making sure runoff does not occur is extremely important. Delaware farmers are able to utilize a variety of conservation practices supported by research. The monies that are provided for conservation districts and supplemented by USDA-NRCS have been extremely important in enhancing and supporting the usage of cover crops. These crops not only can reduce the amount of soil loss from wind and water erosion, but can also scavenge residual nutrients and release them during the next growing season.

EPA has helped generate funds to support one of the best nutrient management programs in the country. With talented staff, dedicated to helping farmers and protecting the environment, we have been able to update our compliance standards, meeting the regulations set forth by EPA. We have been able to fund collaborations with third-party specialists, like Tetra Tech, to develop modeling and enhance data to support our new compliance standards.

The Renewable Fuel Standard has increased demand for corn. In 2000, American farmers produced 10 billion bushels of corn. By 2016, farmers were producing 14.6 billion bushels of corn to meet the demand. Many people look at the Renewable Fuel Standard creating a demand for corn dedicated to ethanol, that improves our air quality and lessens our demand on non-renewable resources, but it also created additional markets for feed.

Poultry litter relocation programs have spawned a growing industry between poultry farms without acreage to fertilize to those in need of fertility. It has offered an alternative option to farmers who have phosphorus overload and cannot apply poultry litter to their fields. The program has also created compost products and pilot energy generation projects.

In Delaware, we have noted climate changes including patterns of increased temperatures with risk of drought, and extreme rainfall events. In addition to the obvious effects of increasingly frequent drought conditions, climate changes are also predicted to result in higher frequency and intense rainstorms. Increasing intervals of intense storms presents a risk for structural BMP practices that are designed for trapping and treating capacity for stormwater or combined water flows from agricultural areas. These intense rainfall events will impact crops as the timing of these intense rainfalls could result in crop failures, such as when the crop has not yet emerged or is early in development – and thus more susceptible to flooding. In some cases, the rainfall can also destroy older crops – particularly fruits or vegetables like watermelons and cantaloupe – that have substantial input costs. Likewise, warmer winter temperatures can lead to fruit trees setting earlier blossoms, which increases the chance of frost/freeze damage – as was witnessed in the Mid-Atlantic in the spring of 2016. Lastly, as the climate warms/changes, there is the chance that certain agricultural and forest pests may expand their ranges. For instance, some pests' ranges may have been limited by cold temperatures but as the maximum low (cold) temperature for an area rises, then that pest is now able to expand its range and survive where it previously could not.

The Delaware Department of Agriculture is partnering with the USDA-NRCS on agricultural conservation, through programs like the Environmental Quality Incentives Program (EQIP) that helps with cover crops and practices that improve our environment and the Agricultural Conservation Easement Program – Ag Land Easements (ACEP-ALE) that benefit Delaware's Farmland Preservation program, but there is a need to streamline efforts. After ACEP-ALE was instituted, replacing an older program, it took three years of negotiation until terms were agreed upon. Those were three years that Delaware lost funding to help protect farmland for preservation.

The uncertainty and continuation of deadline extensions surrounding CERCLA has caused confusion for producers in the state and there is a need for a legislative fix. We cannot keep putting farmers on notice, wondering when they will be hit with legal liability for untimely or inaccurate reporting.

Farmers and ranchers value and understand the need to protect Waters of the United States. Departments of Agriculture are willing to put in the effort to assist farmers but we would appreciate a common sense approach to address issues, as well as timely outreach and education materials related to WOTUS. We need a clear definition that is objective.

Finally, an additional option for improving environmental conditions would be to remove environmentally sensitive tillage acreage from consideration, changing the Conservation Reserve Program (CRP) acreage from 24 million to 30 million acres.

Thank you for the opportunity to testify on the impact of federal environmental regulations and policies on Delaware agriculture.