



# The Fertilizer Institute

Nourish, Replenish, Grow

Chris Jahn  
President

June 9, 2015

TO ALL MEMBERS OF THE UNITED STATES SENATE

RE: Co-Sponsor (S. 1140) “Federal Water Quality Protection Act”

Dear Senator:

On behalf of the members of The Fertilizer Institute (TFI), I am writing to urge you to support S. 1140, the “Federal Water Quality Protection Act.” This legislation is necessary to address our serious concerns with the recently issued final rule from the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Army Corps) re-defining what waters are considered “Waters of the United States” (WOTUS). TFI thanks Senators Barrasso and Donnelly and the bill’s bipartisan co-sponsors for their efforts on this important legislation which will ensure that EPA and the Corps develop a rule that achieves the appropriate clarity and certainty sought by all sides of the WOTUS issue.

TFI represents the nation’s fertilizer industry including producers, importers, retailers, wholesalers and companies that provide services to the fertilizer industry. Fertilizer is essential to U.S. food production, and the companies that manufacture and sell fertilizer provide considerable economic benefits to the U.S. economy. A robust U.S. fertilizer industry delivers jobs, and the people holding those jobs produce fertilizer, a high value product which farmers use to grow crops to feed the nation and the world. As such, fertilizer generates economic value through the export of commodities such as corn, soybeans and wheat.

The fertilizer industry strongly supports the goal of improved water quality across the United States. Clean water is essential for the nation’s economy and it is good for business. Currently, we are working together in partnership with government agencies, ENGO’s and the broader agriculture community to ensure that farmers continuously improve their environmental and economic performance using the 4R Nutrient Stewardship (right source, right rate, right time and right place) framework.

**Right Source** – Ensures a balanced supply of essential nutrients, considering both naturally available sources and the characteristics of specific products, in plant available forms.

**Right Rate** – Encourages farmers to assess and make decisions based on soil nutrient supply and plant demand.

**Right Time** – Encourages farmers to assess and make decisions based on the dynamics of crop uptake, soil supply, nutrient loss risks, and field operation logistics.

**Right Place** – Addresses root-soil dynamics and nutrient movement, and manage spatial variability within the field to meet site-specific crop needs and limit potential losses from the field.

Additionally, the fertilizer industry has committed \$7 million to establish the 4R Research Fund with the goal of developing sustainability indicators and environmental impact data for implementation of 4R nutrient stewardship across North America. This fund provides the needed resource support with a focus on measuring and documenting the positive economic, social and environmental impacts of 4R Nutrient Stewardship.

Bringing about meaningful change through these cooperative partnerships, not adding additional costly and unfunded regulatory burdens, is the clearest and most efficient and effective path toward the shared goal of clean water.

Clean Water Act jurisdiction affects many aspects of federal permitting, including industrial discharges to waters, the scope of federal endangered species review, and the extent of mitigation under the Army Corps' wetlands permits, all of which are subject to third-party review and legal challenge. Therefore, changes to the definition of WOTUS can have far-reaching impacts on agriculture, industry and development.

Specifically, TFI members are required to obtain and comply with CWA §§ 402 and 404 permits, and their concomitant requirements to obtain Section 401 water quality certifications from states and tribes. If implemented as-is, the WOTUS rule would likely lead to restricted access and delayed permits for development of domestic supplies of fertilizer. The result would be an increased reliance on imports from countries that lack the level of environmental regulation that we have in the United States. The final rule fails to consider states' existing regulations protecting water quality, and in doing so, serves more to increase regulatory burden than to actually protect the environment.

Currently, fertilizer use is responsible for approximately 50 percent of the world's food production. By 2050, the world must produce 70 percent more food to meet the needs of a growing population. In fact, 77 percent of the increase must come from higher yields, with 14 percent coming from increased cropping intensity and 9 percent coming from bringing more land into production. Without a reliable supply of essential nutrients like nitrogen (N), phosphorus (P) and potash (K), it will simply be impossible to meet this demand for nutritious and affordable food.

For the aforementioned reasons, I urge you to co-sponsor (S. 1140) the "Federal Water Quality Protection Act" and support agriculture by ensuring the EPA and Army Corps develop a workable rule that follows the original intent of the law.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Jahn", with a long horizontal flourish extending to the right.

Chris Jahn  
President