

COMMISSIONER  
DOUG GOEHRING



ndda@nd.gov  
www.agdepartment.com

**NORTH DAKOTA  
DEPARTMENT OF AGRICULTURE**  
STATE CAPITOL  
600 E BOULEVARD AVE DEPT 602  
BISMARCK ND 58505-0020

**Testimony of Dane Braun, Program and Policy Analyst  
North Dakota Department of Agriculture  
Natural Resources Committee  
Roughrider Room  
10:00am, February 22, 2012**

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Chairman Damschen and members of the Natural Resources Committee, I am Dane Braun, the Program and Policy Analyst at the North Dakota Department of Agriculture (NDDA). I am here today on behalf of Agriculture Commissioner Doug Goehring to discuss issues dealing with the Environmental Protection Agency (EPA), more specifically I will touch on the Spill Prevention, Control, and Countermeasure rule, agricultural dust, and pesticide drift language.

We have been working with the EPA to provide greater outreach and clarity surrounding the effects that the Spill Prevention, Control, and Countermeasure (SPCC) rule has on farmers and ranchers. The SPCC rule requires those with more than 1,320 gallons of on-farm oil and fuel storage and who has a reasonable expectation of an oil discharge into a waterway to create a SPCC plan. The SPCC plan requires such measures as secondary containment, security, employee training, and other requirements depending on the situation.

Because of pressure by our department and other agricultural interests regarding the SPCC rule, EPA has done a better job of outreach and has extended the compliance deadline for some farmers and ranchers. There has been some confusion on the compliance date for the SPCC rule. Farms that started their operation on or before August 16, 2002, are required to have a SPCC plan in place and should amend their plan by May 10, 2013. Farms in operation after August 16, 2002, have until May 10, 2013, to create and implement their SPCC plan. Our hope was that the extension would apply to all operations but that is not the case.

EPA's potential regulation of Agricultural Dust under their authority in the Clean Air Act has been dismissed by EPA Administrator, Lisa Jackson. The potential lowering of the standard for particulate matter 10 microns in size or less (PM10) was the main concern of agriculture groups. The administrator has told Congress and the public that those standards will remain the same. We will continue to monitor the situation as this may change after the upcoming election.

In 2006, EPA began working on changing pesticide label language when it pertains to spray drift and that work is still underway. Existing product labels are inconsistent, ambiguous, and in some cases unenforceable when it comes to spray drift. At this time EPA is not interested in setting a zero-drift standard and would like to leave flexibility to the states.

Our office continues to provide input and state perspective to EPA with staff members serving on multiple EPA working groups. We also work to educate EPA officials on agriculture. For example, we hosted Jim Martin, administrator for Region 8 of EPA, on a farm/ranch technology tour across the state. The tour was used to inform the administrator of the new technology and practices farmers and ranchers utilize. The tour also included two roundtable discussions where producers and agriculture groups were able to discuss federal regulations and policies with Administrator Martin.

Chairman Damschen and committee members thank you for this time to testify and I would be happy to answer any questions.

Thank you.