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November 9, 2017

Environment Subcommittee
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, D.C. 20515

Disclaimer: The opinions expressed herein are our own and do not necessarily reflect the views of The Johns Hopkins University.

RE: Farm Certainty Regulatory Act discussion draft

Dear Members of the House Environment Subcommittee,

We are researchers at The Johns Hopkins Center for a Livable Future, based at the Bloomberg School of Public Health in the Department of Environmental Health and Engineering. The Center engages in research, policy analysis, education, and other activities guided by an ecologic perspective that diet, food production, the environment, and public health are interwoven elements of a complex system. The Center also recognizes the prominent role that food animal production plays regarding a wide range of public health issues surrounding that system. We are writing to express our concerns regarding the discussion draft before you today based on House Resolution (HR) 848, the Farm Certainty Regulatory Act, which seeks to eliminate one of the only methods for public defense against the pollution of drinking water by agricultural activities such as the over application of animal waste and crop residue. We believe that HR 848, and any similar versions of it, would have serious implications for the health of rural citizens, many of whom rely on private wells for drinking and household use.^{1,2} Passing HR 848 would severely limit the ability of citizens to protect and defend their water and health from groundwater pollution.

Over the last 60 years, food animal production has shifted from an extensive system of small and medium-sized farms to one characterized primarily by large-scale, industrial operations that concentrate large numbers of animals in small geographic areas.³ This transition to large, high-density, confined animal feeding operations has resulted in the routine accumulation of large volumes of animal waste, often at rates far exceeding the capacity of nearby farmland to absorb it.⁴ As a result, the excess waste produced by these operations is disposed of in a manner that can pollute surface and groundwater resources, and therefore represents a significant public health and ecological hazard.^{4,5}

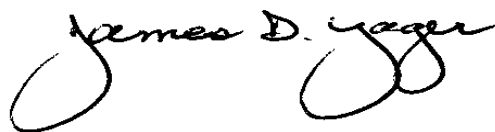
This excess waste can contain nitrates, antibiotic residues and other animal drugs, pathogens, and other hazards,⁶⁻¹⁰ and studies have found that people can be exposed to these contaminants when they swim or engage in other recreational activities in water impacted by waste and by drinking the contaminated

water.⁹⁻¹¹ Contamination by pathogens can potentially cause a waterborne disease outbreak,⁴ and studies have demonstrated that exposure to elevated levels of nitrates in drinking water is associated with adverse health effects, including cancer,¹²⁻¹⁵ birth defects and other reproductive problems,^{11,12,16,17} thyroid problems,^{11,12} diabetes mellitus,¹⁸⁻²⁰ and methemoglobinemia (blue baby syndrome, a potentially fatal condition among infants).^{11,21}

Citizen suits under the Resource Conservation and Recovery Act (RCRA) provide a much needed avenue for recourse against the pollution of private groundwater wells, especially since groundwater and private wells are not covered by existing federal regulation; the Safe Drinking Water Act does not apply to private wells,^{22,23} the Environmental Protection Agency does not regulate private groundwater wells,^{23,24} and the Clean Water Act only applies to navigable, or surface, waters.²⁵ HR 848 and similar draft legislation would, therefore, severely limit the ability of citizens to seek remediation for the pollution of their groundwater by agricultural waste.

Thank you for considering our concerns. We hope that our description of the public health risks posed by HR 848 and similar versions of the bill is helpful in your deliberation of this legislation. We welcome the opportunity to discuss this further and answer any questions you may have. Please contact us at (410) 502-7578 or by emailing Bob Martin, Director of the Food System Policy Program, at rmarti57@jhu.edu.

Sincerely,



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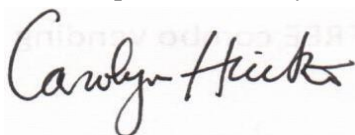
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