

The Environmental Protection Agency's inability to provide clear and concise direction and answers to farmers and ranchers on the agency's broad and unnecessary rule regarding oil spills has Nebraska Farm Bureau urging farmers and ranchers across the state to help be part of a solution to fix the faulty EPA regulation.

"Not only is EPA's oil spill rule not needed, the agency has developed a rule that doesn't fit agriculture and because of that they have struggled to answer questions about the rule," said Steve Nelson, Nebraska Farm Bureau president. "We've heard from members who have contacted EPA directly and received conflicting answers to their SPCC questions. That in and of itself has been a source of frustration for many farmers and ranchers attempting to identify whether they are even obligated to meet the rules requirements."

Farm Bureau has been involved in discussions with EPA since 2009 to try and clarify the obligations of farmers and ranchers under the Spill Prevention, Control and Countermeasures (SPCC) Rule with minimal success.

The main requirement under the SPCC rule requires farms and other facilities to develop, maintain and implement oil spill prevention plans.

The rule was first established in the 1970's as a way to control spills from oil refineries. EPA claims farmers and ranchers have never been exempt from the 30 year-old SPCC Rule, yet the agency didn't establish farm-specific SPCC Rules until 2009 and did so despite the fact there is no history of oil spill issues on farms and ranches.

In 2011, EPA provided a two-year compliance delay for SPCC implementation, but only for farms and ranches established after Aug. 2002.

Due to the uncertainty surrounding the current rule, Congress passed a provision as part of the 2013 Continuing Resolution, which prevented EPA from enforcing SPCC rules on farms and ranches until the end of Sept. 2013.

EPA maintains the SPCC compliance deadline for farms and ranches is May 10, 2013.

Farm Bureau is encouraging farmers and ranchers to help fix the rule by contacting members of the Nebraska Congressional Delegation and urging them to take action on the Farmers Undertake Environmental Land Stewardship Act (FUELS Act), which among other provisions related to SPCC, would change the starting point from where SPCC regulations and requirements would take effect.

Under the current SPCC Rule, any farm or ranch with above-ground oil storage capacity of 1,320 gallons would need to have a Spill Prevention Control and Countermeasures (SPCC) plan in place if there is a reasonable expectation a spill would reach waters of the U.S.

The FUELS Act would raise the initial threshold of compliance from 1,320 gallons to 10,000 gallons which would prevent many Nebraska farm and ranch families from having to meet the regulations.

The FUELS Act has been introduced in both the House of Representatives (H.R. 311) as well as the Senate (S. 496) and garnered support from members of Nebraska's delegation.

"The SPCC rule is a prime example of big brother government and an agency that has lost its way," said Nelson. "Farmers and ranchers are willing to comply with rules and regulations that solve real problems. Having farm families spend their time and thousands of dollars complying with regulations that do little to protect the environment is a waste of farmers and taxpayers' time and money."

