

June 23, 2014

The Honorable Pete Olson
U.S. House of Representatives
312 Cannon House Office Building
Washington, DC 20515

Dear Representative Olson:

The American Farm Bureau Federation commends you for introducing the *Commonsense Legislative Exceptional Events Reforms (CLEER) Act of 2014*.

The Environmental Protection Agency (EPA) has established a National Ambient Air Quality Standard for particulate matter pollution, a regulation that affects normal farming and ranching practices because they necessarily involve a number of earth disturbance activities that can generate particulate matter. Many agricultural activities also take place in arid, sparsely vegetated regions of the country where the soil is more susceptible to the generation of windblown dust.

Farm Bureau members are directly impacted by the implementation of the Exceptional Events Rule. If an event is ruled an exceptional event, then a NAAQS exceedance caused by high winds would not be counted in determining whether to reclassify the attainment area as nonattainment. Because the cost of operating a farm or ranch in a nonattainment area is considerably higher than the cost of operating in an attainment area (due to the more stringent control requirements in nonattainment areas), farmers and ranchers are greatly concerned that the agency interpret and implement the rule in a practical, reasonable fashion that does not impose higher costs without justification.

The purpose of exempting natural and exceptional events from being considered in state air quality plans is to ensure that regulatory decisions under the Clean Air Act are not based on monitored air quality data that includes events over which a state has little or no control. By excluding monitoring data affected by exceptional events from regulatory decisions, state and local agencies are able to focus resources on solving problems that can be fixed.

EPA has recognized that its Exceptional Event Rule is broken, yet the only response of the EPA has been to issue a series of guidance documents aiming to offer more clarity on the exception events rule. However, this has not solved persistent issues with the process. State officials continue to advocate that the EPA undertake a formal rulemaking process to resolve ambiguity and uncertainty with the policy. In March 2012, the EPA announced that it would formally revise the Exceptional Events Rule. A draft rule was expected by late 2013. Yet the EPA has since delayed the proposed rule until 2015 and a final rule until 2016.

If passed, the CLEER Act of 2014 would resolve some of the most significant issues regarding EPA's handling of exceptional events. The legislation's requirement to develop specific criteria for the approval and disapproval of exceptional event demonstrations in conjunction with input from the states would create transparency and predictability in an otherwise overly complicated process. The requirements for timely action, basing a decision on a preponderance of the evidence, and giving deference to the submission from the state would create certainty for states. The requirement that each EPA decision be considered an appealable agency action would provide states with a new path to obtain remedies when EPA and the state disagree. Finally, the requirement to revise the Exceptional Events Rule would ensure that long-term, lasting progress on this issue will be made.

We support your efforts and look forward to working with you on this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Stallman', with a long horizontal flourish extending to the right.

Bob Stallman
President