

March 18, 2016

Senator Tammy Baldwin
717 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Baldwin,

Thank you for your March 9 letter and Senate Appropriations Subcommittee on Agriculture testimony urging the U.S. Environmental Protection Agency (EPA) and United States Department of Agriculture (USDA) to act in response to the drinking water contamination crisis underway in Kewaunee and Door Counties. Widespread nitrate and bacteria pollution has made rural well water undrinkable for many Wisconsin residents, due in large part to the land application of liquid manure by mega-dairies known as Concentrated Animal Feeding Operations.

This pollution, and the Wisconsin Department of Natural Resources' (DNR's) inadequate response, led several organizations to petition EPA Region 5 to take emergency action in October 2014 to protect public health pursuant to its Safe Drinking Water Act, Resource Conservation and Recovery Act, and Comprehensive Environmental Response, Compensation, and Liability Act authorities.

As you note in your letter, this petition has resulted in a state-led work group process to discuss long-term solutions. EPA has remained largely unengaged, however, allowing the same state agency that has enabled groundwater pollution to reach its current levels to chart a new course. As a result, the agencies do not have adequate plans of action, the work group process remains devoid of firm commitments by DNR, and both DNR and EPA have failed to provide the clean water that residents urgently need.

USDA Secretary Vilsack proposed "ecosystem markets" to you as a potential solution to Northeast Wisconsin's groundwater crisis. This approach would allow farmers who implement conservation measures to generate water pollution "credits" that they can sell to other polluters, who can in turn continue business as usual instead of reducing their own pollution. But the industrial dairies of primary concern in this case are generally ineligible for trading, and trading applies to surface water, not groundwater. Put simply, this water pollution trading approach is a false solution that will not only fail to bring safe drinking water to the people of Door and Kewaunee Counties, but that also seriously undermines the forty-plus years of Clean Water Act successes by allowing polluters to buy their way out of permit compliance.

Wisconsin has one of the nation's most problematic water pollution trading laws, allowing DNR to authorize trades of almost any pollutant, including known carcinogens like benzene and other toxics. But even trades of nitrogen and other agricultural pollutants are a significant concern, as these agricultural "credits" are virtually impossible to quantify and verify. Unsurprisingly, pollution trading programs have led to harmful water quality outcomes and decreased accountability in other states, as discussed in the attached Food & Water Watch report, *Water Pollution Trading: Polluting Public Waterways for Private Gain*.

We would welcome the opportunity to discuss Wisconsin's mega-dairy pollution crisis with you, as well as the many troubling implications of water pollution trading. We urge you to continue

pushing EPA to intervene in this situation by providing clean water, initiating an investigation into the sources of the pollution, taking strong enforcement actions to address illegal pollution, and implementing real, long-term solutions to the dramatic impact industrial agriculture is having on our ground and surface water resources and communities.

Thank you again for your leadership on this and other important issues.

Sincerely,



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