

January 20, 2010

The Honorable Lisa Murkowski
United States Senate
709 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Murkowski:

Last week, the American Farm Bureau Federation, the nation's largest general farm organization with affiliates in all 50 states and Puerto Rico, held its 91st Annual Meeting in Seattle. At this meeting, delegates from around the country unanimously adopted a resolution that not only expressed opposition to cap-and-trade legislation but that "strongly supports any legislative action that would suspend EPA's authority to regulate greenhouse gases under the Clean Air Act." On behalf of agricultural producers in every state and in every part of agriculture, I want to offer our energetic support for your effort to forestall the U.S. Environmental Protection Agency's (EPA) proposal to regulate carbon dioxide and other greenhouse gases under the Clean Air Act (CAA).

The EPA's proposal is particularly ill-timed. Congress now is engaged in an extensive – and we would say healthy – debate over how and to what extent the United States should limit its use of fossil fuels as a means of reducing carbon emissions to the atmosphere. Regardless of how one views the science on this matter, it is clear from the outcome of the Copenhagen discussions that there will be no meaningful international agreement that puts all nations on a level playing field with respect to carbon emissions. In the absence of such an international agreement, it would be foolish for our country – from both an economic and an environmental standpoint – to undertake such regulatory action as contemplated by EPA. Administrator Lisa Jackson testified before the Senate last summer that the U.S. acting on its own cannot affect the global climate. Yet, it is clear that a regulatory scheme such as that contemplated under the endangerment finding would have significant negative effects on the economy.

To the astonishment of many, EPA contends that it may ignore explicit statutory language and limit its regulatory reach to entities emitting more than 25,000 tons per year (rather than the 100/250 tons-per-year thresholds in the statute); in fact, however many state statutes now incorporate the lower thresholds. In the end, it seems highly unlikely the agency's viewpoint would be sustained by the courts. If and when that situation arises, we fully expect many small- and medium-sized farm and ranches to be caught up in the regulatory requirements now being proposed by the EPA.

This would not occur if Congress takes up a resolution of disapproval under the Congressional Review Act. In our view, this is exactly the kind of situation contemplated by Congress when it

enacted this statute over a decade ago. How carbon emissions should be regulated is a matter to be decided by elected officials; that debate is now ongoing on Capitol Hill. It is there that these policy questions should be answered. The legislation you are offering deserves swift consideration by Congress, and we will work actively to encourage all members of the Senate to cosponsor and support you in this effort.

Thank you for your leadership in this important matter.

Sincerely,

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

Bob Stallman
President

cc: All U.S. Senators