

Testimony of

Darcy Maulsby, Owner/Operator

Dougherty Farm

Lake City, Iowa

“An Examination of Proposed Environmental Regulation’s Impact on America’s Small Businesses.”

United States Senate

Committee on Small Business and Entrepreneurship

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**Darcy Maulsby, Owner/Operator
Dougherty Farm
Lake City, Iowa**

Good afternoon. I'm Darcy Maulsby, a fifth-generation farmer and small-business owner from Lake City, Iowa. Let me begin by thanking Chairman Vitter, Ranking Member Shaheen, and Members of the Committee for allowing me the opportunity to share my story with you today. I especially want to thank my home-state Senator for inviting me to testify. Thank you Senator Ernst for this opportunity and the warm introduction.

Our farm is located in west-central Iowa, a beautiful area where the fields are mainly flat or gently rolling and are filled with rich, black soil. While this soil is extremely productive, it also needs proper management and drainage to protect the health of our corn and soybean crops.

My family, and farmers all across Iowa, are investing in conservation practices that prevent nutrient runoff and safeguard water quality. Ever since my ancestors settled in Calhoun County in the 1880s my family has adopted a variety of conservation practices to protect our precious natural resources. We've installed grass waterways to slow the flow of water and keep soil in place. We also use conservation tillage to leave cornstalks and soybean stubble in the fields over the winter to protect soil from water and wind erosion and help control surface runoff. We've taken big steps to implement conservation efforts but one thing we can't control however is Mother Nature.

Just over a week ago on Mother's Day, an EF1 tornado tore through our area. Less than an hour later a second storm blasted our farm with hail and dumped more than an inch and a half of rain in a matter of minutes. This created some fairly large ponds in some of our fields, since the heavy clay soils couldn't drain the water fast enough.

These ponds are temporary, however, and disappeared in a few days. Across my area and much of Iowa, it's not uncommon for puddles and ponds to appear after a heavy rain in areas that are otherwise dry most of the year. Expanding EPA's regulatory authority under the Clean Water Act to include these and similar areas will have many negative consequences for my farm business.

Not only will this rule affect my operation personally, but it will have dramatic and far reaching practical and costly economic implications on farmers and ranchers all across the United States.

One of the biggest problems with this rule is the uncertainty it creates. I look around my family farm and wonder what areas would be under the EPA's jurisdiction. There are many features on farm land that contain or carry water only when it rains. Farmers and ranchers consider these areas to be 'land', not 'water' that could be regulated by the EPA.

If this agency can regulate every body of water on my farm, including those areas that are dry most of the time, then there are effectively no limits to the agency's regulatory reach.

The regulation of these areas mean that any activity, including everyday farming activities, could be a violation of the Clean Water Act – triggering heavy penalties and criminal fines, possibly resulting in jail time.

Not only would we be subject to enforcement from the EPA and the Corps, but also civil lawsuits from those who don't understand agriculture and belong to organizations who are opposed to our way of life.

I'm also concerned about how the rule will hinder the ability to keep our farm competitive, profitable, and sustainable.

The tens of thousands of dollars to obtain permits, along with fees for both lawyers and technical consultants is beyond the means of most farmers and ranchers and creates an undue burden for most farms, which are largely family-owned operations.. These permits may take ten months to more than two years to obtain. Having to wait to receive a permit would hinder our ability to operate and do what we know is best for our land. As a result, the proposed rule puts EPA into the business of regulating whether, when, and how a farmer's crops may be grown and protected.

Perhaps the largest cost of this rule is not being allowed to apply crop nutrients and crop protection products in and around these EPA controlled areas. We've always worked to be good stewards of our land and want to prepare now for a sustainable future on our farm. If we can't do the right things for our land and our crops when the job needs to be done, farming and ranching will be much more costly and difficult.

I'm also concerned about how permitting delays would hold up conservation efforts on our farm and farms nationwide. We've already experienced this on my farm when we applied for a permit for a drainage improvement. In this case, the permitting process was not completed in a timely manner, due to delays from the agency. This cost us valuable time and hindered our ability to enhance our land and complicated the process of completing routine fieldwork.

We are continually implementing voluntary conservation efforts – using our own time, energy, and money. The only thing that's clear and certain is that this rule will make it more difficult for farm families like mine to make changes to the land that will benefit the environment.

Working with farmers collaboratively is a productive way to improve water quality – not more regulations.

Ultimately, this rule will have a negative impact on the productivity and profitability of small farming businesses all across the county - the 1% of Americans who grow the food, fuel, and fiber for this country and the world. As a fifth-generation farmer I care about the legacy my family will leave behind. I urge you to think about the legacy that will be left behind if this harmful rule is implemented. This rule should be repealed in full to protect the livelihood and way of life for my family and farm families all across this great land.

Thank you.