Congress of the United States
Washington, DC 20515

March 12, 2013

The Honorable Bob Perciasepe
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Dear Administrator Perciasepe,

We write to express our concerns regarding the Environmental Protection Agency's recent release of the personal information of livestock and poultry producers to various environmental activist groups. While we understand Section 308 of the Clean Water Act grants broad authority to the EPA to collect information and conduct inspections on Concentrated Animal Feeding Operations (CAFOs), we have serious concerns over the EPA's release of this information, particularly regarding the individual privacy rights of those whose information was released, and possible bio-security threats to the Nation's food supply.

It is our understanding that the EPA released a significant accumulation of personal and business information about livestock and poultry farmers across 30 states. Reports indicate that the data was submitted by state environmental quality agencies, and was not reviewed by EPA to determine if any of the information was confidential business information, protected by federal privacy laws, or subject to being withheld for national security concerns. The information included data from farms of all sizes – not just large CAFOs. Additionally, an overwhelming majority of the information released appears to be derived from farms owned by families, who may now face threats to their homes and businesses. Uncontrolled access to this accumulation of personal and geospatial data may represent a serious threat not only to the safety of producers and their families, but also to the Nation's food supply.

We are also deeply concerned that EPA's recent actions signal further implementation of policies that threaten producers' personal privacy, including the development of a comprehensive public database containing detailed information of every livestock and poultry operation. In May 2012, the EPA agreed to propose a CWA Sec. 308 rulemaking to gather data from CAFOs in an agreement with environmental groups. After sustained objections through the comment process the rulemaking was withdrawn in July 2012. The EPA determined, however, that it would still continue to gather data on CAFOs and has stated the Agency still intends to pursue such a national database. Livestock and poultry producers in our districts and across the Country agree these types of actions pose serious risks, which may include targeted harassment and even bio-terrorism. Both the Department of Homeland Security and the Department of Agriculture have echoed these sentiments.

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Given the many concerns and outstanding questions surrounding EPA's recent actions, we respectfully request your response to each of the following questions within 30-days, or a detailed explanation of why this cannot be done and a reasonable timetable for full and complete response:

1. What process did EPA use to acquire the released information regarding poultry and livestock producers from state agencies? Did EPA withhold or threaten to withhold funding from state agencies that did not comply with the data requests? Did EPA in any way try to limit the amount of personal information received from the states? Did EPA request or otherwise receive and retain any information on Animal Feeding Operations (AFOs) not qualifying as a regulated CAFO?

2. Does EPA believe that aggregation and dissemination of detailed information on livestock facilities across the Country does not increase the threat of bio-terrorism? If so, what is the basis for dismissing the arguments to the contrary advanced by the federal agencies charged with protecting our food system (USDA) and our national security (DHS)?

3. How did the EPA consider the concerns of the Department of Homeland Security, which argued that a public database of detailed producer information would pose a threat to our Nation's food system? How did the agency consider USDA's concerns? Specifically, did the EPA determine that these Agencies' concerns were not credible or were outweighed by an interest in accumulating and disseminating the information?

4. Does the EPA intend to develop a national database of producer information? If the Agency is assembling or intends to assemble such a database: Will the agency collect data from producers not currently regulated under the CWA Sec. 402 National Pollutant Discharge Elimination System (NPDES)? Will the database include information detailing the name and address of the farmer, longitude and latitude or other geospatial data, and number and type(s) of animals? Will the database include AFOs not subject to CWA regulations?

5. What will EPA do to help protect producers and their operation from the possible abuse of the information gathered and released by the EPA?

While we share your commitment to pursue responsible policies that achieve the goals of the Clean Water Act, we do not believe unnecessarily intruding into the lives and businesses of our Nation's farm families is the proper course of action. We urge you to suspend any efforts to assemble a public, national database of detailed and personal producer information, and instead refocus your efforts to ensure that the recent release of data is not misused in a way that threatens our Nation's producers and the integrity of our Nation's food supply that farm families make possible.

We appreciate your prompt attention to this important matter, and look forward to your response.

Sincerely,

Rick Crawford
Member of Congress

Frank Lucas
Member of Congress

Steve Stockman
Member of Congress

Reid Ribble
Member of Congress

Jeff Denham
Member of Congress

Vicky Hartzler
Member of Congress

Rodney Davis
Member of Congress

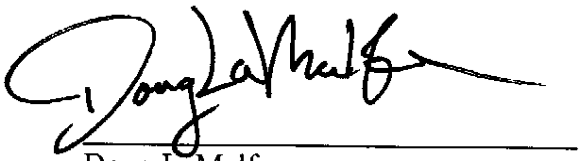
Michael Conaway
Member of Congress

Sanford Bishop
Member of Congress

Dan Benishek
Member of Congress

Ted Yoho
Member of Congress

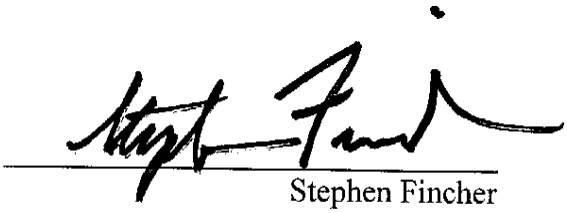
Bob Goodlatte
Member of Congress



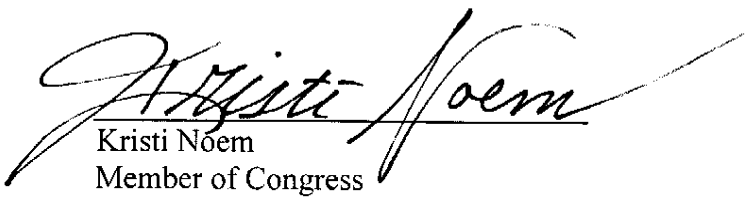
Doug LaMalfa
Member of Congress

Bob Gibbs
Member of Congress

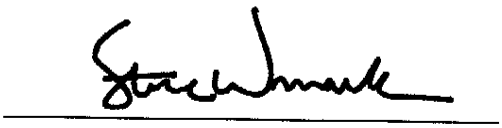
Bill Cassidy
Member of Congress



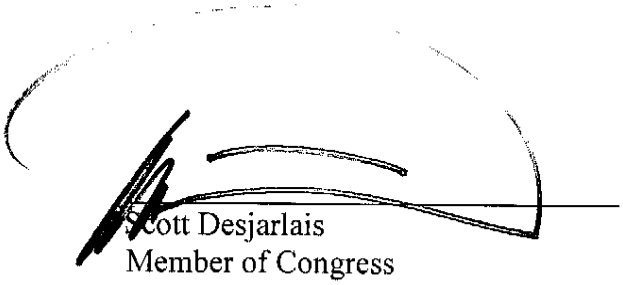
Stephen Fincher
Member of Congress



Kristi Noem
Member of Congress

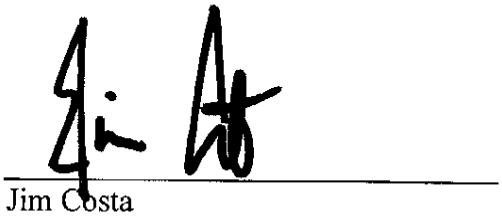


Steve Womack
Member of Congress



Scott Desjarlais
Member of Congress

Randy Neugebauer
Member of Congress



Jim Costa
Member of Congress

Tom Cotton
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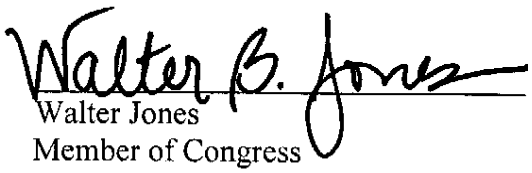

Walter Jones
Member of Congress

Billy Long
Member of Congress

Morgan Griffith
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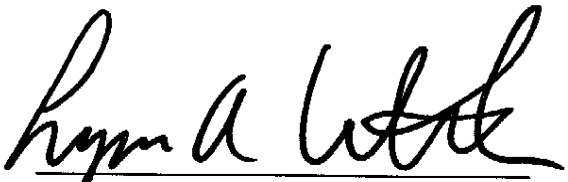
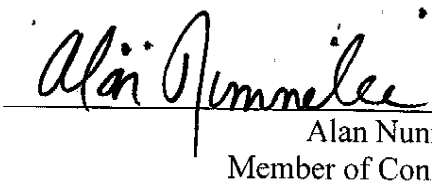
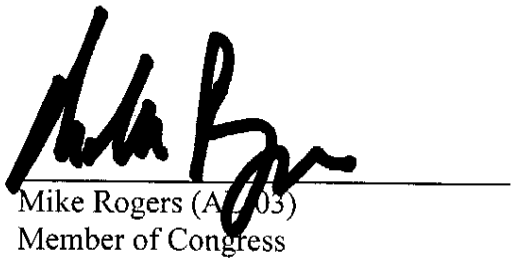
Richard Hudson
Member of Congress



Lynn Westmoreland
Member of Congress

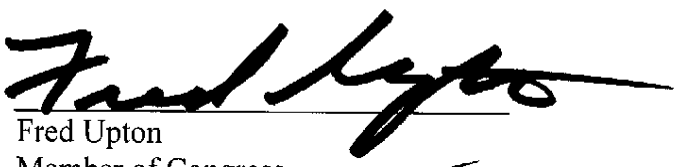


Alan Nunnelee
Member of Congress

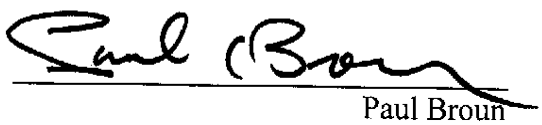


Mike Rogers (AL/03)
Member of Congress

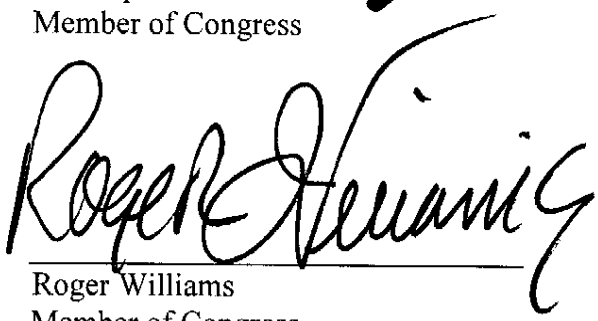
Bill Huizenga
Member of Congress



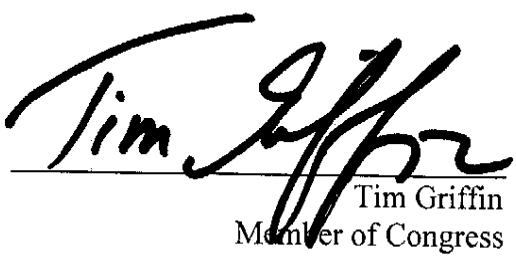
Fred Upton
Member of Congress



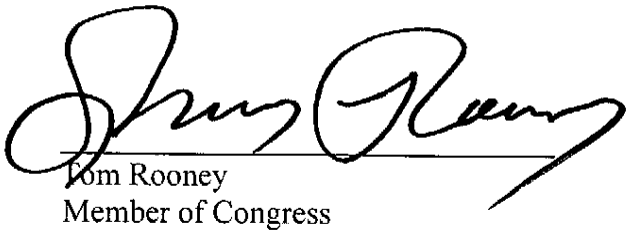
Paul Broun
Member of Congress



Roger Williams
Member of Congress



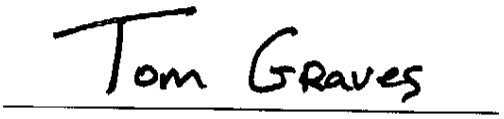
Tim Griffin
Member of Congress



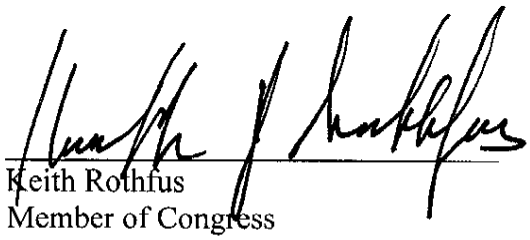
Tom Rooney
Member of Congress

Austin Scott
Member of Congress

Martha Roby
Member of Congress



Tom Graves
Member of Congress



Keith Rothfus
Member of Congress

Chris Collins
Member of Congress