**U.S. House bill upsets Pine River activists**

Proposed bill: No new citizen lawsuits against ag operations already underway

By Linda Gittleman  
*For the Morning Sun*

A new federal House proposal has Pine River clean up activists alarmed.

Gratiot is one of four counties in Michigan that has more cows than people.

In addition to the cows, there are eight counties in the state that have more pigs than people and Gratiot is among that number as well.

“It’s a double whammy,” said Jane Keon, a member of the Healthy Pine River group that seeks to clean the river from manure, E. coli and anti bacteria resistant drugs believed to be coming from the factory farms.

Alma and St. Louis get about 20 percent of their water from the river.

Just as the Pine River group has made a start in the clean up, the U.S. House of Representatives has introduced a bill — with bipartisan support — to throw a possible monkey wrench to water clean ups and polluter account-
The Farm Regulatory Certainty Act is sponsored by Rep. Dan Newhouse (R-Washington), who sponsored a similar bill last year that went nowhere.

One of the 66 co-sponsors of this year’s bill is Rep. John Moolenaar (R-Midland) who represents the 4th district that includes Gratiot.

Basically, according to congress.gov in its summary, the bill “amends the Resources Conservation and Recovery Act of 1976 to specify that animal waste, manure, and fertilizer are excluded from the Act’s requirements if the waste, manure, or fertilizer originates from or is utilized by an agricultural operation.”

But wait, there’s more. The bill also states that “citizen suits may not be brought under the Act against an agricultural operation if federal or state legal and enforcement actions are already underway.” What has environmental activists outraged is the part about the inability of citizens to sue.

Often, a suit is the only recourse for people living in rural areas and residents who are subject to environmental dangers and hazards, according to an Oregon environmental law firm called Blue River Law.

“The effect is that a state or federal) agency can be doing very little over years and years and that “action” would prohibit citizens from bringing a citizen suit. This provision would effectively close the courthouse doors to citizens with no other recourse,” said Blue River lawyer Elisabeth Holmes in a press release.

Newhouse’s bill stems from a suit brought by citizens in his district whose water sources were contaminated by local farms with poor manure management.

The judge used the Resources Conservation and Recovery Act — also called the Solid Waste Disposal Act to make his ruling against the farms.

Newhouse called that ruling “erroneous” and said that the Environmental Protection Agency acknowledges that the law was never intended for farms.

“(The Solid Waste Disposal Act) was not to target farmers, dairies, livestock producers,” Newhouse said of the rule to the Capital Press. “(Farmers) ended up having to comply with a rule they had no idea they were subject to.”

His new proposal will “clarify” that, and will allow farmers to know what laws are on the books, according to agricultural website Feedstuffs.com.

“The RCRA statute has been used inappropriately to target agriculture, specifically dairy and livestock producers, even if they have demonstrated that they have been following approved plans for using manure as a fertilizer. The Farm Regulatory Certainty Act will also protect farmers from citizen suits if they are undergoing efforts to comply with federal orders,” the website said.

“We’re not talking about letting anybody off the hook when it comes to being responsible for the environment,” Newhouse was quoted as saying in the Capital Press. “We just want to make sure it’s clear which rules they need to follow.”

But the bill is seen locally as one more impediment to clean water, one more closed door.

Keon said, by way of a closed door example, that even the county board of commissioners are not allowed any information about a new CAFO that may be moving into the county.

However, as one of the co-sponsors of the bill, Moolenaar likes the proposal.

“...the Farm Regulatory Certainty Act not only doesn’t regulate the solid animal waste produced by these corporate-owned “farms,” it effectively kills any attempt at regulating what can be dumped onto the ground — and allowed to seep into the water — in communities across the country,” said Paul Bland, executive director of Public Justice in a published piece earlier this year.