# TEXAS DEPARTMENT OF AGRICULTURE

TODD STAPLES
COMMISSIONER

April 7, 2011

The Honorable Kay Bailey Hutchison
United States Senate
Room 284 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Hutchison:

Thank you for your service to the people of Texas and for your commitment to leading our nation during this unique time.

I write you today to request your assistance on two matters of great concern to American consumers and the farmers and ranchers of our state – the U.S. Environmental Protection Agency's efforts to regulate greenhouse gases under the Clean Air Act and to regulate pesticide application beyond the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Congressional intent needs to be restored and reinforced so courts, and the agency, can make no mistake of the clear and limited authority granted through the Clean Air Act, Clean Water Act (CWA) and FIFRA.

The Energy Tax and Prevention Act (H.R. 910 and S. 482) prevents EPA from using the Clean Air Act to control and regulate greenhouse gases from stationary sources like farms, refineries, and power plants. With the economic uncertainties facing Americans today, Congress should act swiftly to restrain EPA's greenhouse gases regulatory program, which causes *certain* economic harm but produces *questionable* environmental benefit.

The U.S. House of Representatives recently passed the Reducing Regulatory Burdens Act of 2011 (H.R. 872), which prevents EPA from using the CWA to duplicate oversight of pesticides applications. Texas has been working with EPA to comply with the new CWA permit requirements; however, congressional action to clarify FIFRA, not the CWA, is the appropriate regulatory structure for pesticides applications is important for Texas farmers, ranchers and landowners.

Agricultural producers know clean air, water and land are vital to our way of life and livelihood. I respectfully urge Congress to act now to provide relief from EPA's greenhouse gases and aerial pesticide application regulations for the benefit of farmers and ranchers, and all Texan and American consumers. If I may be of any assistance to you, or provide additional information regarding this request, please do not hesitate to contact me.

Sincerely yours,

Todd Staples

Todd Staples

TS/JM/jm

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