



James Mulhern, *President & Chief Executive Officer* | Randy Mooney, *Chairman*

Agri-Mark, Inc.
Associated Milk Producers Inc.
Bongards' Creameries
Cooperative Milk Producers Association
Cortland Bulk Milk Producers Cooperative
Dairy Farmers of America, Inc.
Dairymen's Marketing Cooperative, Inc.
Ellsworth Cooperative Creamery
Farmers Cooperative Creamery
FarmFirst Dairy Cooperative
First District Association
Foremost Farms USA
Land O'Lakes, Inc.
Lone Star Milk Producers
Maryland & Virginia Milk Producers Cooperative Association
Michigan Milk Producers Association
Mid-West Dairymen's Company
Mount Joy Farmers Cooperative Association
Northwest Dairy Association
Oneida-Madison Milk Producers Cooperative Association
Prairie Farms Dairy, Inc.
Premier Milk Inc.
Scioto County Cooperative Milk Producers' Association
Select Milk Producers, Inc.
Southeast Milk, Inc.
St. Albans Cooperative Creamery, Inc.
Swiss Valley Farms Company
Tillamook County Creamery Association
United Dairymen of Arizona
Upstate Niagara Cooperative, Inc.
Zia Milk Producers, Inc.

August 31, 2015

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

The Honorable John M. McHugh
Secretary
Department of the Army
101 Army Pentagon
Washington, D.C. 20310

Dear Administrator McCarthy and Secretary McHugh:

The court decision by Chief Judge Ralph Erickson of the U.S. District Court for North Dakota to issue an injunction for the recently finalized Clean Water Rule, and EPA's subsequent statements about enforcing the injunction differently from state to state, have created additional uncertainty for dairy farmers across the country. The members of NMPF's cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of nearly 32,000 dairy producers nationwide. Therefore, our membership is directly affected by EPA policy that potentially could treat farmers in 13 states differently than in 37 other states. Therefore, we urge EPA to delay its implementation schedule for the Clean Water Rule nationwide.

NMPF submitted comments on the proposed rule to the EPA and Corps of Engineers in November 2014, outlining our concerns with the lack of clarity and certainty for dairy farmers should the rule proceed. The final rule left many of our concerns unresolved. The opinion by Judge Erickson brought forth many of the same concerns we relayed in our comments last November and should be given serious consideration.

The EPA and Corps have consistently maintained that one of the main reasons for issuing the rule was "greater clarity, consistency, and predictability when making jurisdictional determinations." The EPA implementation schedule for the Clean Water Rule now treats dairy farmers differently nationwide, and clearly falls short of these goals. Therefore, we ask that EPA and the Corp of Engineers use their enforcement discretion and cease application of the recent WOTUS rule in all 50 states, until such time as it can be evenly applied in every state.

NMPF and its members are committed to protecting U.S. waterways through voluntary efforts, as well as through regulatory compliance with the Clean Water Act (CWA). Clean water is central to healthy ecosystems, secure water supplies for human and animal consumption, and to the production of milk and other dairy products. We are committed to working with the EPA and COE to find effective ways to achieve these important goals. Thank you for your consideration and we hope to work together to create more clarity and certainty for dairy farmers.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Mulhern". The signature is written in a dark ink and is positioned below the word "Sincerely,".

Jim Mulhern
President and Chief Executive Officer