



IOWA CHAPTER

## **EPA FOIA DOCUMENTS REVEAL BRANSTAD INTERFERENCE IS UNDERMINING PROSPECTS FOR BADLY NEEDED CLEAN WATER ACT REFORMS**

**May 20 demand letter to U.S. EPA signed by Governor Terry Branstad indicates one of his administration's top priorities is to protect corporate ag profits at the expense of everyday people, water quality, and the environment**

DES MOINES, IOWA – July 16, 2013 – Governor Terry Branstad and Lt. Governor Kim Reynolds have intervened directly in high-stakes Clean Water Act negotiations between the Iowa Department of Natural Resources (DNR) and the U.S. Environmental Protection Agency (EPA), according to recently released documents obtained by a coalition of community and environmental groups – the Environmental Integrity Project, Iowa Citizens for Community Improvement (Iowa CCI), and the Iowa Sierra Club.

The groups say that the Freedom of Information Act (FOIA) documents clearly show that one of the Branstad Administration's top priorities is to shield a polluting industry from strong and effective public oversight by undermining what could be one of the most significant reforms in years to begin cracking down on factory farm pollution and cleaning up Iowa's 628 polluted rivers, lakes, and streams.

The most revealing document in the FOIA cache is a May 20<sup>th</sup> letter from the Office of the Iowa Governor to Acting EPA Administrator Bob Perciasepe and to Gina McCarthy, President Obama's nominee to be EPA Administrator. It was signed by both Branstad and Reynolds, and demands EPA officials come to Iowa for a tour with the Governor's office and the DNR, alongside corporate ag industry leaders.

“Governor Branstad's direct involvement in negotiations between EPA and Iowa DNR may be responsible for the delay finalizing a much-needed work plan agreement to fix Iowa's failing factory farm pollution program,” said Tarah Heinzen, Attorney at Environmental Integrity Project and the writer of the coalition's FOIA request. “This letter demonstrates a troubling degree of political interference with Clean Water Act enforcement in Iowa.”

Wally Taylor, attorney for the Iowa Sierra Club, said, “Branstad's letter to the EPA appears to be a brazen intervention directly on behalf of big agribusiness interests like the Iowa Farm Bureau Federation to the exclusion of everyday Iowans, consumers, and other community stakeholders.”

Iowa CCI members were even more blunt.

“I'm so mad I could spit,” said Lori Nelson, CCI board president from Bayard, Iowa. “Governor Branstad, the Farm Bureau does not run this state. It's time to clean it up. Clean up our water, and clean up our government.”

Branstad's May 20 letter specifically disputes EPA demands that Iowa factory farms large enough to require a manure management plan be inspected by DNR officials to ensure they are in compliance with the Clean Water Act. The letter also states that the Branstad Administration is opposed to EPA guidance over DNR procedures and training.

Branstad's letter rehashes standard corporate ag industry talking points while not once mentioning the water quality crisis in Iowa or the burden unregulated water pollution imposes on everyday Iowans across the state. Ratepayers in Central Iowa are currently spending \$7,000 a day since Des Moines Water Works turned on a \$3.6 million nitrate-removal system months ago after the public utility had run out of other options to deal with the pollution load coming down the Raccoon and Des Moines Rivers.

Branstad apparently went over the head of EPA Region 7 Administrator Karl Brooks by sending his May 20 letter directly to top decision-makers at the EPA's national headquarters in Washington D.C. The governor also carbon-copied his May 20 letter to Iowa's entire congressional delegation. The DNR was not carbon-copied in the letter, and it is not clear what extent DNR Director Chuck Gipp knows about the governor's involvement.

EPA Region 7 Administrator Karl Brooks was quick to respond to Iowa's governor. Brooks sent a reply dated May 31 to Branstad agreeing to meet with his office and industry leaders here in Iowa. However, another letter obtained by petitioners, sent from Brooks to DNR Director Gipp on March 20<sup>th</sup>, indicates that EPA's patience with Iowa decision-makers is running out and that further efforts to undermine the draft work plan agreement could jeopardize Iowa's authority to administer the Clean Water Act.

Another document in the FOIA cache is a redlined version of the EPA-DNR Work Plan Agreement, revised by the Iowa Farm Bureau Federation after a February meeting between industry groups and DNR staff. DNR sent the industry's revisions to the plan directly to EPA, but EPA's March draft rejected most of the Farm Bureau's attempts to water down the work plan.

The DNR and EPA have been negotiating this work plan agreement to bring the state of Iowa into compliance with the Clean Water Act after EPA released a scathing report on July 12, 2012 finding the DNR's factory farm enforcement program does not meet federal requirements. The July 12, 2012 EPA Report said DNR:

- Has failed to issue permits to factory farms when required,
- Does not have an adequate factory farm inspection program,
- Frequently fails to act in response to manure spills and other environmental violations,
- Does not assess adequate fines and penalties when violations occur.

The EPA report and subsequent federal action was forced by a 2007 de-delegation petition filed by the Environmental Integrity Project, Iowa CCI members, and Iowa Sierra Club and a 2011 Notice of Intent to sue the EPA for a failure to respond to the petitioners in a timely manner.

Iowa has more than 8,000 factory farms, 628 polluted waterways, and 800 documented manure spills, according to DNR records.

### **ABOUT THE PETITIONERS**

The Environmental Integrity Project (<http://www.environmentalintegrity.org>) is a nonpartisan, nonprofit organization established in March of 2002 by former EPA enforcement attorneys to advocate for effective enforcement of environmental laws. EIP has three goals: 1) to provide objective analyses of how the failure to enforce or implement environmental laws increases pollution and affects public health; 2) to hold federal and state agencies, as well as individual corporations, accountable for failing to enforce or comply with environmental laws; and 3) to help local communities obtain the protection of environmental laws.

Iowa Citizens for Community Improvement (<http://www.iowacci.org>) is a 37-year-old statewide non-profit grassroots organization. Iowa CCI has led the fight against factory farms in Iowa for the past 15 years and has pushed for better environmental and permitting laws for factory farms on the state and national level.

Sierra Club is the nation's oldest grassroots environmental organization. Its 1.4 million members and supporters work together to protect our communities and the planet. Through litigation and administrative and legislative advocacy, the Sierra Club has worked for the past decade to improve controls over factory farm water and air pollution.

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