

United States Senate

WASHINGTON, DC 20510

August 7, 2013

The Honorable Debbie Stabenow
Chairwoman
Senate Agriculture Committee
328 Russell Senate Office Bldg.
Washington, DC 20510

The Honorable Thad Cochran
Ranking Member
Senate Agriculture Committee
328 Russell Senate Office Bldg.
Washington, DC 20510

Dear Chairwoman Stabenow and Ranking Member Cochran:

We write to express strong opposition to a provision in the House-passed Farm Bill that would prohibit states from regulating agricultural products within their jurisdiction. This provision, referred to as the King Amendment, is a serious infringement on states' rights with far reaching impacts, and we urge you to reject this provision in the final conference report.

The amendment would force state and local governments to allow the sale of products that meet federal production standards, or the production standards of the state in which the product was produced—even if the state receiving the product deems the product dangerous for consumers, farmers, or the environment. This amendment is an infringement of state regulatory powers, and it threatens our long-standing tradition of addressing regional agricultural issues with regional solutions.

If enacted, the provision would jeopardize state-based protection against pests and diseases. Currently, federal quarantines are only issued when there is a national consensus about the significance of a pest or disease. A pest that is endemic to one part of the country, but exotic and threatening to another, would not necessarily qualify for federal quarantine. The provision would prohibit states from taking swift action to protect their agriculture and natural resources, and require greater federal involvement in decisions currently made locally.

In addition, the amendment could result in the preemption of state and local laws on a wide range of other issues such as consumer information, animal welfare, and food safety. Below are some examples of the problems that the provision could create for states:

- Thirteen states—Maine, Florida, Illinois, Indiana, Kentucky, Michigan, Minnesota, New York, Ohio, Oregon, Pennsylvania, Vermont, and Wisconsin—place restrictions on firewood imported from other states to protect their forests from invasive pests, like the Asian longhorn beetle, emerald ash borer, ambrosia beetle, or goldspotted oak borer. If this provision goes into effect, many states would have to lift their quarantines and work through the federal government to establish a uniform national quarantine. This could result in an over-regulated industry and under-protected natural resources.

- Thousand cankers disease is endemic in western states; so there is no need to quarantine the movement of walnut wood among those states. However, thirteen Midwestern and Eastern states have issued quarantines to protect their woodlands from thousand cankers disease. The provision would force Indiana, Illinois, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, Pennsylvania, West Virginia, and Wisconsin to accept western states' forest products and then try to create a national quarantine. If approved a national quarantine would unnecessarily restrict commerce among western states.
- Many state and local governments protect agriculture and public lands by restricting the entry of forage that is not certified weed seed free. To take advantage of this value-added market, state departments of agriculture in Arizona, Idaho, Indiana, Illinois, Iowa, Kansas, Kentucky, Michigan, Montana, Minnesota, Missouri, Nebraska, New Mexico, Nevada, North Dakota, Ohio, Oregon, South Dakota, Washington, Wisconsin, and Wyoming all have programs to certify forage that meets the North American Weed Free Forage Standards. Local governments may require certified forage to protect cow-calf operators from noxious weeds that lower the nutritional value of pastures and are costly to manage. Certified forage is also often required to protect natural places from weeds that crowd out native species, contribute to declines in forest health and increase fire danger. Under the provision, state and local governments would be forced to accept hay containing weed seeds and then bear the cost of managing the consequent invasion of weeds.
- Alaska, Arkansas, Louisiana, Mississippi, and Washington and have labeling requirements for farm-raised fish. If this provision becomes law, these requirements would likely be preempted – leaving consumers without information that they consider important.

If enacted, this provision will require massive new efforts to set federal standards sufficient to protect local agriculture and natural resources, and it will suppress regional efforts to support agricultural systems that are consistent with local needs and values.

We urge you to reject this provision in any form or context that it might take. We thank you for your consideration and look forward to working with you to enact a farm bill in the near future.

Sincerely,

Dianne Feinstein

Richard Blumenthal

Maria Cantwell

Patty Murray

B. J. Sanders

Patrick Leahy

Paula Bon

Bill King

Elizabeth Han

Susan M. Collins

Edward J. Markey

Jack Reed

Kirsten E. Gillibrand

Brian Schatz

Robert Menendez

Ben Cardin

Angus King

Jeffrey A. Blumenthal

Ms D

Bill Nelson

Tom Udall

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May of Garrison