

# PRINCIPLES FOR STATE AGRICULTURAL WATER QUALITY CERTIFICATION PROGRAMS

## A product of the following members of the Mississippi River Collaborative

- Environmental Working Group
  - Gulf Restoration Network
  - Iowa Environmental Council
  - Kentucky Waterways Alliance
  - Midwest Environmental Advocates
  - Missouri Coalition for the Environment
  - Prairie Rivers Network
  - Tennessee Clean Water Network
- 

### **1. Water Quality Standards Backdrop**

States must have enforceable, numeric water quality standards for any pollutant for which certainty is provided. The establishment of water quality standards for common agricultural pollutants is necessary to provide an incentive for participation in certification programs.

### **2. Rigorous Certification Standards**

It is essential that the certification standards and conservation practices required for certainty be sufficiently rigorous to ensure measureable and meaningful improvements in water quality from each farm.

Conservation practices eligible for certification must be demonstrated, or expected based on peer-reviewed modeling or research, to be capable of achieving compliance (if used in aggregate and in sufficient quantity by producers in the watershed) with water quality standards and pollutant limits (e.g., TMDL load allocations) for the watershed in which they are employed. The program contract shall be based on meeting water quality standards in the local receiving water body unless a more stringent standard is needed to protect a water body further downstream. If insufficient participation and deployment of practices on other farms in a watershed prevents the watershed from achieving water quality goals, farms that are implementing their contract are still awarded certainty.

Contracts should specify the pollutants for which certainty is provided and the practices the farm agrees to implement. Certainty can be granted only for those pollutants the farmer agrees to address. Practices must be in place at the time of certification. States should review the certification standards on a regular basis (e.g., every 3-5 years) and make adaptive changes based on the measurable outcomes of the certification program. If a state finds that the certification standards need to be changed because water quality goals are not being met, participants may need to adopt different conservation practices in order to re-certify.

### **3. Systems-Based, Whole-Farm Approach**

Certification programs should incentivize the adoption of conservation systems. All aspects of the farm must be considered, not just single fields, and included in a whole-farm contract. Practices that reduce the amount of one pollutant, but increase the amount of another, must be complemented with practices that address that other pollutant. The net result of practice implementation should always be a reduction in pollutant loading.

### **4. Stage at which Certainty is Granted**

A farm shall receive certainty only after signing a legally binding contract with a government agency or agencies. A farm's certification should be rescinded if one or more of those agencies (or an accredited certifier) determines the farm is not implementing the terms of the contract.

## **5. Five-year Certification Term**

A five-year, renewable certification term is consistent with the long-standing air and water pollution permitting timelines under which other business sectors operate, and does not hinder a state's or farm's ability to use adaptive management. A longer term would hinder adaptive management as performance outcomes elucidate strengths and weaknesses in the certification program.

## **6. Farm Eligibility**

To be eligible for certification, the farm owner and operator must be in compliance with:

- all existing federal, state and local environmental laws and regulations;
- the conservation compliance provisions of the Farm Bill, if the farm participates in eligible USDA subsidy programs;
- any requirements of USDA conservation programs that the farm has chosen to enroll in.

## **7. Farm Rental Leases**

Farm rental leases must require that any operator shall comply with the certification program.

## **8. Accredited Certifiers and Public Accountability**

Certification programs must feature accredited certifiers who are rigorously screened for conflicts of interest and are accountable to the public. It is essential that farms be subject to inspections by certifiers so that the proper implementation and maintenance of practices are verified. These inspections should take place just before certification is granted or renewed, and at least once during the contract term. Participating farms must allow state agency staff as well as certifiers to access the land for inspections and water quality testing. Certification contracts and inspection and monitoring results shall be available to the public.

## **9. State Eligibility**

Government partners must demonstrate that the certification program will be funded to provide sufficient implementation and oversight over the term of the program. Cost estimates and funding sources must be identified and addressed prior to creating a program. State water quality programs must be in good standing with U.S. EPA and not subject to de-delegation petitions. Monitoring and enforcement of existing state and federal laws and regulations must be adequately funded and implemented.

## **10. Stakeholder Participation**

Development of certification programs must involve a robust and balanced cross-section of environmental and conservation organizations, agricultural and rural groups, and government agencies. States should have stakeholder advisory committees that provide input on program development.

## **11. Targeted, Pilot Implementation**

Certification programs should be piloted in key watersheds. Non-highly erodible lands and highly erodible lands should both be eligible. Pilot certification programs should be targeted to those geographic areas where implementing the program would have the greatest impact on water quality improvements, and not merely where it may be the easiest or fastest to secure participation. It is essential that these programs be aggressively marketed in watersheds with the most pressing water pollution problems.