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October 6, 2014

The Honorable United States Senate Washington, D.C. 20510	
Dear Senator	_:

Last week, the Small Business Administration's Office of Advocacy made a critically important finding affecting America's farmers and ranchers. The SBA Office of Advocacy has been evaluating the rule proposed by EPA and the Corps of Engineers to define "waters of the U.S." Having determined that the agencies improperly certified the rule under the *Regulatory Flexibility Act*, the SBA office called on EPA and the Corps of Engineers to withdraw the rule. I am attaching a copy of the letter so that you can read these comments for yourself.

The SBA Office of Advocacy found that EPA and the Corps used conflicting and incorrect data in order to claim minimal impacts on small business and that they cherry-picked the data used in their economic analysis. Farm Bureau has vigorously articulated our view that the EPA analysis was flawed and the manner in which it has conducted this rulemaking is broken. The SBA Office of Advocacy has now validated our concerns. Now is the time for all senators to join the bipartisan effort to have this rule withdrawn.

Since releasing the proposal, EPA has insisted that farmers' and other small business owners' concerns about the impacts are mere "myths." The EPA administrator herself has characterized farmers' concerns as "silly." An independent federal office is now on record challenging the agencies' contention that there would be little impact on small businesses. All senators must now realize that farmers' concerns are real and this rule must be withdrawn.

SBA's Office of Advocacy found that the agencies used an improper baseline for determining impacts imposed on small businesses by this proposed rule. It found that the proposal imposes direct costs and significant economic impacts on small businesses nationwide. It is time for the Senate to tell EPA in no uncertain terms that it must withdraw this proposed rule to re-establish the integrity of the rulemaking process.

Sincerely,

Bob Stallman President

Enclosure

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