



AGRICULTURAL
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August 17, 2021

Submitted via email and www.regulations.gov

Damaris Christensen
Oceans, Wetlands and Communities Division
Office of Water (4504-T)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Stacey Jensen
Office of the Assistant Secretary of the Army for
Civil Works
Department of the Army
108 Army Pentagon
Washington, DC 20310-0104

RE: Docket ID No. EPA-HQ-OW-2021-0328; *Request for Extension of Time to Provide Written Recommendations on the Definition of “Waters of the United States” 86 Fed. Reg. 41911 (Aug. 4, 2021)*

Dear Ms. Christensen and Ms. Jensen:

On behalf of the Agricultural Retailers Association (ARA), I am writing to respectfully request a 60-day extension of the comment period to provide written recommendations on perspectives on defining WOTUS and how to implement the definition as the agencies pursue future rulemaking proceedings. On August 4, 2021, the U.S. Environmental Protection Agency (EPA) and the Department of the Army (Army) published a notice in the Federal Register providing information about their plans to revise the definition of the term “waters of the United States” (WOTUS) under the Clean Water Act (CWA) and seeking feedback from the public on several topics, including implementation of the definition; regional, state and tribal interests; environmental justice interests; and jurisdictional tributaries and ditches. 86 Fed. Reg. 41911. The Federal Register notice stated public feedback must be received by the agencies no later than September 3, 2021.

ARA is a not-for-profit trade association that represents America's agricultural retailers and distributors. ARA members provide goods and services to farmers and ranchers which include fertilizer, crop protection chemicals, seed, crop scouting, soil testing, custom application of pesticides and fertilizers, and development of comprehensive nutrient management plans. Retail and distribution facilities are scattered throughout all 50 states and range in size from small family-held businesses or farmer cooperatives to large companies with multiple outlets.

ARA believes the current 30-day comment period is woefully inadequate for all interested stakeholders to provide the type of in-depth input the agency needs. EPA Administrator Regan, other senior EPA and U.S. Army Corps of Engineer officials have publicly committed before Congress and other public forums to conduct robust stakeholder engagement as it undertakes this rulemaking process. The scope of jurisdiction under the CWA is fundamentally important to ARA's members, their farmer customers, and all other impacted agricultural industry stakeholders. Given the significance of this issue, and the prior commitments by the Biden Administration, the public should be permitted a minimum of 90 days to gather and analyze relevant information and provide recommendations on the broad range of topics related to this regulation.

For these reasons, ARA requests the comment period for providing pre-proposal recommendations be extended to a total of 90 days. Please contact me at (202) 595-1699, or by email at richard@aradc.org, with any questions. Thank you for your review and considerations of this reasonable request.

Sincerely,

Richard D. Gupton
Senior Vice President, Public Policy & Counsel