



May 2, 2022

Ms. Rebecca Broussard
Office of Emergency Management
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

RE: Request for an Extension of the Comment Period on Clean Water Act (CWA) Hazardous Substance Worse Case Scenario Discharge Planning Regulations; Docket ID No. EPA-HQ-OLEM-2021-0585

Dear Ms. Broussard:

The Agricultural Retailers Association (ARA) requests a 60-day extension to submit comments on the U.S. Environmental Protection Agency's (EPA) proposed rule, Clean Water Act Hazardous Substance Worse Case Discharge Planning Regulations (87 Fed. Reg. 17890; March 28, 2022). This additional time will allow ARA and other impacted stakeholders to fully review and assess the impact this proposal will have on facilities and provide a more complete comments / recommendations.

ARA is a 501(c)(6) non-profit trade association that represents the interests of agricultural retailers and distributors across the United States on legislative and regulatory issues. As the political voice for agricultural retailers and distributors, ARA advocates on critical issues, educates legislators and collaborates with regulatory officials on important issues affecting the industry. Ag retailers supply farmers and ranchers with products and services. These products include seed, nutrients, crop protection products, feed, equipment and technology. Retailers also provide consultative services such as crop scouting, soil testing, field mapping, custom planting and application and development of nutrient management and conservation plans. Certified Crop Advisers (CCAs) and Pest Control Advisers (PCAs) are often retained on the retailer's staff to provide professional guidance and crop input recommendations to farmers and consumers. Agricultural retailers range in size from small, family-held businesses to large companies and farmer-owned cooperatives with many outlet stores. Large and small retail facilities are scattered throughout all 50 states and provide critical goods and services, as well as jobs and economic opportunities in rural and suburban communities.

This new proposed rule appears to add a significant regulatory requirement on many facilities, depending on the pending U.S. Supreme Court's decision in *Sacketts v. EPA* that will impact the regulatory jurisdiction of the CWA and what facilities are subject to these new requirements. ARA fully understands EPA is under a consent decree requiring a final rule to be submitted within 30 months of the proposed publication in the *Federal Register*. However, we believe an additional 60 days to complete a more thorough and comprehensive review of the proposal will ensure EPA receives more meaningful recommendations on a workable, economically feasible final rule while still allowing time to meet the legal deadline. ARA looks forward to submitting comments and working with the agency on this important issue.

Thank you for your review and consideration of this request!

Sincerely,

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