

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

November 7, 2023

The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

The Honorable Debra Shore  
Regional Administrator  
U.S. Environmental Protection Agency, Region V  
Ralph Metcalfe Federal Building  
77 West Jackson Blvd.  
Chicago, IL 60604

Dear Administrator Regan and Regional Administrator Shore:

I write today concerning several unannounced agricultural facility inspections conducted by the Environmental Protection Agency (EPA) on November 2, 2023, in Winona and Olmsted Counties located in southeastern Minnesota. These inspections were reportedly done in coordination with the Minnesota Pollution Control Agency (MPCA) and county feedlot officers.

On April 24, 2023, several organizations with a track record of anti-agriculture environmental activism submitted a petition related to elevated nitrates in eight Minnesota counties throughout the Karst Region (hereafter referred to as “April petition”). Alarming, the April petition requests that EPA issue orders that, “prohibit concentrated animal feeding operations (CAFOs) from expanding or constructing new operations...”<sup>1</sup> Within six months of the dangerous and non-science-based petition, EPA inspectors arrived unannounced on the land of Minnesota family farmers, interrogating them and inspecting their farms over the course of several hours and in the midst of peak harvest season.

As you know, 33 U.S.C. 1318(a) provides EPA with the authority to conduct inspections in order to determine whether any person is in violation of an effluent limitation. Due to the owner or operator of at least one of the sites not having a National Pollutant Discharge Elimination System (NPDES) permit, they were within their rights to refuse entry, requiring that EPA leave the premises and seek a court order.

The manner by which EPA conducted these unannounced inspections raises several questions about the agency’s conduct, best practices, and intent, as well as a lack of transparency throughout the process.

1. “Petition for Emergency Action Pursuant to the Safe Drinking Water Act, 42 U.S.C. § 300i, to Protect the Citizens of the Karst Region of Minnesota from Imminent and Substantial Endangerment to Public Health Caused By Nitrate Contamination of Underground Sources of Drinking Water”. <https://www.mncenter.org/sites/default/files/permalinks/42423-emergency-sdwa-petition-to-epa-with-exhibits.pdf>

Please provide responses to the following questions no later than November 21, 2023:

1. What was EPA's justification to conduct an unannounced inspection without providing advance notice to the owners of each livestock facility site?
2. Were the inspections in reference to the April petition in front of the EPA related to nitrate levels in Karst Region groundwater?
3. Which elected officials or relevant stakeholders at the local, state, or federal level have been briefed on the April petition and/or in advance of EPA's unannounced inspections on November 2, 2023?
4. While on the livestock producer's premises, did EPA inspectors follow all biosecurity protocols and procedures in consultation with the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) guidance?
5. What steps will EPA take moving forward to improve transparency and rebuild trust with Minnesota farmers, local leaders, and government officials related to future inspections and the April petition?

Farmers work every day to produce the highest quality, lowest cost food and fuel supply in the world while leaving their soil and water better for future generations. It is critical that EPA works to rebuild trust in farm country by improving methods of communication and transparency.

Thank you for your time and attention to this matter, and don't hesitate to contact my office with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Brad Finstad". The signature is fluid and cursive, with the first name "Brad" and last name "Finstad" clearly legible.

Brad Finstad  
Member of Congress