

Wyoming Farm Bureau Federation believes the Department of Environmental Quality (DEQ) and its advisory board; the Environmental Quality Council (EQC) has not fully examined the economic impacts of changes to Chapter 1 Water Quality Rules and Regulations, revised Agricultural Use Protection document, Appendix H. The following is an excerpt from the analysis of comments from the November 6, 2008, EQC hearing held in Thermopolis, WY.

8. The MCD believes that agricultural use protection is important enough that the State of Wyoming should commission a cost-benefit analysis of the impact of the Agricultural Use Protection document to ensure that agricultural use protection will be achieved.

Response: *Section 35-11-302(a) (vi) of the Environmental Quality Act requires the division administrator and advisory board to consider the “economic value of the source of pollution” and the “economic reasonableness of reducing or eliminating the source of pollution” when adopting rules. The agency believes it and the Advisory Board have done that and that there is no need to commission a formal cost benefit analysis for these rules. In addition, the agency has no provision in its budget which would allow it to pay for a cost benefit analyses for this or any other rule.*

We have not discovered any information put forth by DEQ or EQC. Economic data showing the economic effects of changes in livestock and crop production does exist, but we cannot determine that any economic information was used in the drafting of the proposed rule changes.

Regarding the sentence in the analysis of comments, *In addition, the agency has no provision in its budget which would allow it to pay for a cost benefit analyses for this or any other rule.* We believe that it is critical that information as important as the economic impact to the citizens by a regulation be considered in order to avoid making an arbitrary and capricious decision.

We request that DEQ and/or EQC make available any information used to examine the economic impact of the proposed rule changes.

If the economic analysis has not been done, the appropriate personnel in the Department of Agricultural and Applied Economics Department in the College of Agriculture, University of Wyoming, should be utilized to perform the economic analysis. This action could mirror the efforts performed by Dr. Raisbeck, who gathered information concerning appropriate levels of water contaminants.