

Certainty Framework

Goals:

- To increase producer adoption of systems of conservation practices based on farm-specific conservation planning, with incentives that in turn increase the pace and extent to which resource conservation and verifiable water quality improvements are achieved.
- To provide clear and consistent communications to producers on conservation actions consistent with the objectives of state water quality programs including TMDL or other watershed implementation plans that a state may develop.
- To provide assurance to agricultural business operations that investments in conservation practices will provide economic and environmental returns consistent with state water quality programs including TMDL or other watershed implementation plans that a state may develop.

Objectives:

- 1) To provide a clear framework that states could choose to employ in providing incentives for producers to adopt conservation practices consistent with the objectives of state water quality programs including TMDL or other watershed implementation plans that a state may develop.
- 2) To define appropriate roles for EPA, USDA and the state governments in implementing appropriate incentive programs or initiatives.

Scope:

- Certainty can be applied to producers who are not required to be permitted under the federal Clean Water Act, including fruit, vegetable and grain farmers, as well as animal feeding operations (AFOs).
- Certainty can be applied to producers who implement systems of conservation practices consistent with the objectives of the state water quality programs including TMDL or other watershed implementation plans that a state may develop – not just express an intention to do so.
- States would still be expected to meet their allocations, but would look to pollution sources other than those producers who participate in this program to achieve reductions for the period during which Certainty applies.

Elements of Framework:

- Certainty program parameters to be agreed upon by USDA, EPA, and participating states – tailorable by each state consistent with the framework.
- Producers would agree to develop or update a conservation plan that addresses all of the water quality resource concerns on the operation and implement the appropriate set of practices according to a schedule and a verifiable set of standards consistent with the objectives of state water quality programs including TMDL or other watershed implementation plans that a state may develop.
- Certainty program would be based on implementation of systems of conservation practices consistent with the objectives of the state water quality programs plans including TMDL or other watershed implementation plans that a state may develop for that type of agricultural operation per the agreement of EPA, USDA, and the state government.

- Verification of implementation of practices would be assured by state government, soil and water conservation districts, or independent third party.
- Once conservation practice implementation has been certified, verification of continuing practice implementation and maintenance would be monitored by the state government, conservation districts, or an independent third party.
- Noncompliance with the state-specific parameters of a certainty program would result in a producer losing the certainty accreditation until the state government certifies that the operation is back in compliance.
- Time period for certainty would be worked out with the states, USDA and EPA to ensure their comfort level with meeting state water quality programs including TMDL or other watershed implementation plans that a state may choose to write.
- Producers meeting all of these criteria could be eligible for incentives from the state such as:
 - a) assurance that the producer's efforts would be recognized in state water quality programs plans including TMDL or other watershed implementation plans that a state may develop;
 - b) assurance not to designate an AFO as a CAFO; c) priority cost-share funding; and/or d) appropriate recognition. States would also have the option of creating a functional intersection between certainty and trading programs.

Roles:

- **EPA and USDA** would work with the state governments to evaluate the role such a program would play in meeting water quality program goals including TMDL or other watershed implementation plans that a state may develop and its sufficiency in meeting those plans.
- **EPA** would work with the states and USDA to ensure that an adequate verification process was in place.
- **USDA** would assist participating states as they develop their certainty programs. Likely areas of assistance include conservation practice selection, conservation planning, and development of certainty program policies. Based on the availability of appropriations, USDA will provide financial and technical assistance to help producers successfully complete their certainty obligations.
- **States** would work with EPA to establish the program, including the practice maintenance verification component, adoption of any statutory or regulatory framework necessary for its operation, and work with USDA to ensure that an adequate delivery and support system is in place. States would also provide outreach and education assistance to promote the program, as well as financial and technical assistance at the farm level to implement conservation practices.
- **Conservation districts** would provide outreach, conservation planning and technical assistance to deliver the certainty program and can be a key element in both the practice implementation and maintenance verification process.