

March 5, 2010

Mr. Marty Jackley, Attorney General
Office of the Attorney General
1302 E Hwy 14, Suite 1
Pierre, SD 57501-8501

Dear Mr. Jackley:

We're writing on behalf of South Dakota's ag producers to urge you to intervene in support of overturning the Environmental Protection Agency's recent greenhouse gas endangerment rule. EPA's endangerment finding is of utmost importance to our state's economy as it would give EPA unprecedented control over many industries, including agriculture.

With this endangerment finding, EPA may require expensive Clean Air Act permitting for emitters of greenhouse gases, including livestock facilities and grain farms. It also opens the door to EPA or states developing performance standards for GhG emitters and citizen suits, which are allowed in the Clean Air Act. If these new regulations come to pass, it would impose massive regulatory compliance costs on producers, which could potentially force many operations out of business. Because agriculture is such an important segment of South Dakota's economy, the consequences of increased regulations through the Clean Air Act would be economically devastating, particularly in rural areas of our state.

If limited financial and human resources are a concern in moving forward with a separate motion to intervene, we urge you to consider joining the state of Nebraska in their motion to intervene in this important case. They have indicated a willingness to work with other states on their motion and we encourage you to contact their Assistant Attorney General, Katie Spohn, to gain more information on this alternative. She can be reached at 402.471.2834 or via e-mail at katie.spohn@nebraska.gov.

We appreciate your consideration of our request and look forward to working with you to discourage further greenhouse gas regulation under the Clean Air Act.

Regards,

SD Association of Cooperatives
SD Cattlemen's Association
SD Corn Grower's Association
SD Dairy Producers
SD Farm Bureau
SD Pork Producers Council
SD Wheat, Inc.

Cc: Governor M. Michael Rounds
Bill Even, SD Secretary of Agriculture