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NEWS RELEASE
Committee on Energy and Commerce

Rep. John D. Dingell, Chairman

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Rule Change Would Lift Reporting Requirements for Ammonia,

Hydrogen Sulfide

Washington, DC – Key Members of Congress wrote to the Environmental Protection Agency (EPA) regarding a proposed EPA rule change that would lift emissions reporting requirements for dangerous airborne pollutants that are emitted from the waste of large factory farms or Concentrated Animal Feeding Operations (CAFO).

Reps. John D. Dingell (D-MI), the Chairman of the Committee on Energy and Commerce, Al Wynn (D-MD), the Chairman of the Environment and Hazardous Materials Subcommittee, and Hilda Solis (D-CA), the Vice Chair of the Subcommittee, wrote the EPA requesting detailed information on what led to the EPA's rulemaking.

"Ammonia and hydrogen sulfide are significant pollutants, and even the EPA's own science demonstrates that they can cause serious health problems," Dingell said. "The Bush Administration's plan to exempt industrial sized animal feeding operations from emissions reporting requirements is nothing more than a favor to big agribusiness at the expense of the public health and communities living near these facilities."

"It defies logic for this Administration to exempt animal feeding operations from the Superfund and Emergency Planning Community Right to Know Act reporting requirements when the toxic air emissions from these operations can cause severe health effects in people, even death," said Wynn. "This is just another harsh example of the Administration acting contrary to its mission to protect public health and the environment."

"Once again, the EPA has proposed actions which appear to harm — rather than help — the public interest," said Solis. "Substances such as ammonia, which play a role in air pollution, have been linked to significant public health impacts — including coughing, throat irritation and even chronic bronchitis and lung disease. Without reporting requirements, local governments risk being unable to protect the health and environment of their communities. I am eager to receive the EPA's response to our inquiry, and I hope the Agency will reconsider its proposal, putting public health and the environment first."

In 2005, the EPA received a petition from agriculture lobbying groups such as the National Chicken Council, National Turkey Federation, and U.S. Poultry and Egg Association asking for an exemption from the reporting requirements for ammonia.

In 2006, the EPA entered into a consent decree with 13,900 farms in 42 states. This agreement temporarily waived reporting requirements with the understanding that the requirements would be reinstated once a standardized method for measuring the pollutants could be reached.

The letter sent today from the lawmakers notes that EPA's own scientists have found hydrogen sulfide and ammonia to be powerful pollutants with potentially serious health effects. An internal EPA memo from 2004 found that acute respiratory irritation and effects to the central nervous system could be caused by exposure to hydrogen sulfide from nearly two kilometers away.

Similarly, a recent report from the Pew Commission on Industrial Farm Animal Production recently found that "vast amounts of animal waste and byproducts from such facilities pose significant risks to human health and the environment, requiring greater, not lesser, scrutiny." The report continues, "the toxic gas emissions can be harmful — and even fatal — to farm workers and surrounding communities." The report further suggests, "studies of residents living near industrial food animal production facilities have documented increased rates of neurobehavioral and neuropsychiatric abnormalities."

As justification for the loosening of the reporting requirements, EPA has pointed to 26 comment letters from State and local emergency response agencies that support lifting the reporting requirements. However, according to the Congressional Research Service (CRS), the 26 local agencies represent only .6 percent of the total agencies. Moreover, CRS also found that 18 of the 26 letters are nearly identical, raising questions about whether the filings were part of a nationally orchestrated campaign.

The efforts by the agribusiness lobby to circumvent air emission reporting requirements parallel a similar effort to exempt Concentrated Animal Feeding Operations from laws that help cities recover costs from treating polluted drinking water.

“Corporate animal feeding operations have also tried to exempt themselves from laws that help protect our drinking water supplies,” Dingell added. “Legitimate agriculture operations that follow normal practices for applying fertilizer are already exempt from regulation under Superfund and permitted releases are protected under the Clean Water Act.”

On December 28, with Congress away for the holidays, the EPA published a notice in the Federal Register, announcing its plan to proceed with the rule change for air emission reporting requirements. The public comment period for the ruling ends on March 28.

The lawmakers’ letter asks EPA to address fifteen detailed questions about the rulemaking and asks that the agency respond by March 27.

“The Committee will exercise vigorous oversight to determine why EPA is pursuing this ill-conceived rulemaking and to determine whether the EPA has adhered to appropriate and transparent processes as it has moved forward with this proposal,” Dingell concluded.

[Read the letter » \(pdf\)](#)

Prepared by the Committee on Energy and Commerce

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