

# Pork

## Airing Out Environmental Directives

By Jane Messenger and Marlys Miller (4/1/2006)

Agriculture is the “producer of solutions, not the creator of problems,” says Environmental Protection Agency Administrator Stephen Johnson. Speaking to pork producers at last month’s National Pork Industry Forum, he pointed to EPA’s Air-Emissions Consent Agreement as an example of cooperation and progress in finding much needed scientific answers to environmental questions.

Johnson believes this program is the quickest and most efficient way to provide air-emissions data on livestock operations.

In the end, more than 2,600 livestock producers signed the EPA’s Air-Emissions Consent Agreement. They represent more than 6,700 animal-feeding operations. Of those, there are more than 4,900 pork, 880 egg, 600 dairy, 200 broiler and 30 turkey production sites.

But before those are finalized and the research project gets underway, EPA’s Environmental Appeals Board must approve each one. As of Feb. 7, EAB had approved 20 of the agreements. EPA officials will send the remaining agreements in batches to the board for approval over the next several weeks.

The two-year monitoring study will begin shortly after the approval process is complete. Purdue University researchers will manage the study. They will monitor both facilities and manure-handling systems. EPA officials estimate that it will cost an average of \$500,000 per selected study site to monitor the air emissions for two years.

Sites selected for data collection are based on EPA-approved criteria that includes geographic location, production phase, manure-handling system, representation of the animal species and existing air-emissions data. Researchers will measure ammonia, hydrogen sulfide, total suspended particulates, volatile-organic compounds, coarse particulate matter and fine particulate matter.

Researchers also will take continuous measurements of other factors that affect air emissions. These include temperature, humidity and wind speed.

Once the study is complete, it will take EPA researchers about 18 months to evaluate the data and recommend air-emissions standards.

In addition to the Air-Emissions Consent Agreement, pork producers are facing other regulatory and legislative issues related to the environment.



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The first one deals with Concentrated Animal Feeding Operations. In 2003, EPA issued specific CAFO regulations under the Clean Water Act. Several environmental activist groups and agricultural organizations (including the National Pork Producers Council) challenged those rules. It ended up before the U.S. Court of Appeals for the 2nd Circuit.

That court made its ruling in February 2005, which left many of the regulations unchanged but completely dismissed other sections. One significant change says that if an operation doesn't discharge manure or wastewater then a state can't require it to get a federal National Pollutant Discharge Elimination System permit, although state permits could still be required. However, the definition of a discharge remains unclear.

Because of the 2nd Circuit Court's decision, EPA officials are now revising those CAFO regulations. Johnson says EPA will release a draft proposal by this June. A public-comment period will follow, lasting 30 to 120 days. EPA officials will take a few months to review those comments and incorporate any amendments before the CAFO rules become final.

Even though EPA is still finalizing the CAFO rules, any pork producer whose operation is designated as a CAFO must implement his nutrient-management plan by July 31, 2007. Ultimately, the NPM will become part of the NPDES permit for any producer who discharges and must get a federal NPDES permit.

Producers also need to keep an eye on air regulations that deal with particulate matter (PM - dust and soot particles) in the air. EPA has proposed to regulate particulate matter as PM 2.5 (fine) and PM 10 to 2.5 (inhalable coarse). EPA will drop the old standard of PM 10 (coarse), except in some limited circumstances.

According to Richard Schwartz, attorney with Crowell Moring, EPA officials have tentatively said the particulate matter from agriculture doesn't seem to be harmful to human health. So far, the agency is proposing not to regulate agricultural sources of coarse particulate matter, but has requested comments on regulations for PM 10, PM 10 to 2.5 and PM 2.5.

NPPC officials intend to file comments with EPA on this issue before the April 17 deadline. Take note that under the terms of a consent agreement, EPA must finalize revisions to the particulate matter standards by Sept. 27, 2006.

Yet another issue to watch on the legislative front is U.S. House bill H.R. 4341. This bill is directed at the Comprehensive Environmental Response Compensation and Liability Act of 1980 or CERCLA (also known as Superfund) to say that manure is not a hazardous substance, pollutant or contaminant under that Act.



A mass of hoses and wires helps researchers like Brian Richert monitor the air quality at an animal research center located northwest of Purdue University campus. This is a sample of the equipment and process that researchers will use to study livestock air emissions.

It's essential to stay informed on these issues and their timelines. At least one if not all of these regulatory actions will affect your pork production business.

### **For More Information...**

To gather additional insight into environmental regulatory, legislative and related issues facing the pork industry, go to:

- The National Pork Producers Council Web site at <http://www.nppc.org> and click on the "Public Policy" section, then go to the "Environment" section. NPPC provides information on guidance as it relates to the legislative and regulatory areas.
- The National Pork Board's Web site at <http://www.pork.org> and go to the "Pork Science" section where you will then click on "Environment." NPB addresses the research and education side of the environmental issue.