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Groups Oppose Pollution Reporting Exemption for Factory Farms
Family farmers, environmental advocates in 27 states object to toxic gas reporting loophole

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Washington, DC / Madison, WI – Midwest Environmental Advocates, Friends of Milwaukee’s Rivers, and Family Farm Defenders have joined the more than 70 groups from 27 states objecting to a proposal by the Environmental Protection Agency that would exempt factory farms from reporting emissions of toxic gases from animal waste.

The public interest law firm Earthjustice submitted formal comments today on behalf of the groups, which include family farmers and environmental advocates, saying the proposal will harm the people living and working near these operations. Today was the deadline for public comment on the proposed rule change, which was unveiled in the week between Christmas and New Year’s Day.

Under the proposed rule change, large chicken production facilities, hog confinements, and cattle feeding operations would no longer have to report hazardous releases of ammonia, hydrogen sulfide, and other toxic gases.

“This ill-considered proposal may save polluters a toll-free phone call, but it will make it harder for local emergency responders to protect communities,” said Earthjustice attorney Keri Powell. “It undermines public safety and goes against the law.”

EPA proposed the rule change after pressure from agriculture industry lobbyists—in spite of findings by its own scientists that toxic gases from factory farms can pose serious health risks, including respiratory illness, lung inflammation and increasing vulnerability to asthma. Sudden exposure can also be fatal: one study found that 19 workers at factory farms in Iowa were killed from hydrogen sulfide released during manure agitation.

“This is the EPA equivalent of burying its head in the sand when it comes to toxic air emissions,” said Jamie Saul, Staff Attorney with Midwest Environmental Advocates. “Just last month the Wisconsin DNR gave the livestock industry a four-year exemption from state law restricting emissions of hazardous air pollution. Now EPA’s proposal would leave communities without the access to accurate information needed to fully understand the public health threats.”

The rule change would drop reporting requirements for hazardous air releases from big animal-feeding operations such as the proposed 7,000-head Rosendale Dairy in Fond du Lac County, which is attempting to locate near the Town of Rosendale despite significant protest from community members. If opened, the Rosendale Dairy would be Wisconsin’s largest.

The proposal comes as the agricultural industry has undergone a dramatic shift from family farms to large-scale industrial animal feeding operations. The federal government estimates that animal density at poultry, swine, dairy and cattle operations in the U.S. have increased on average between 50 and 176 percent.

“Yet again EPA is flaunting its willingness to place the financial interests of industry over the health and safety of our environment and our communities,” says Scott Edwards, legal director of the Waterkeeper Alliance. “Factory farming is having a devastating impact on our nation’s waterways and now EPA is helping to insure that our airsheds also fall victim to this destructive practice.”

The reporting data is crucial for communities struggling with pollution from factory farms. In one high-profile instance, EPA relied on emissions data reported by Ohio’s largest egg producer to address dangerously high concentrations of hazardous air pollutants released into a neighboring community, securing a \$1.4 million settlement for local air pollution controls.

“It defies logic. EPA is attempting to do away with the very rules it has used to bring polluting factory farms into compliance,” said Earthjustice attorney George Torgun. “Requiring polluters to report toxic releases is essential to keeping communities informed about public health risks and is the first step in reducing these risks.”

Today’s comments were submitted by Earthjustice on behalf of groups in the following states:

Alabama, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Missouri, Minnesota, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Utah, Washington, West Virginia, and Wisconsin.

A copy of the comments filed today can be found at:

http://www.earthjustice.org/library/legal_docs/signed-final-cafo-comments.pdf