



New York Farm Bureau • 159 Wolf Road - Suite 300 • Albany, New York 12205 • (518) 436-8495 Fax: (518) 431-5656

February 15, 2024

Mr. William Noggle
United States Environmental Protection Agency
Office of Emergency Management
1200 Pennsylvania Avenue NW
Mail Code 28221T
Washington, DC 20460

Submitted via: www.regulations.gov

Subject: Comments on the Potential Development of Regulations to Reinstate the Reporting of Animal Waste Air Emissions at Farms under the Emergency Planning and Community Right-to-Know Act (EPCRA), Docket ID No. EPA-HQ-OLEM-2023-0142

Dear Mr. Noggle:

New York Farm Bureau (NYFB) would like to thank you for the opportunity to provide comments on this Advanced Notice of Proposed Rulemaking regarding the reporting of animal waste air emissions at farms under EPCRA. NYFB is New York's largest agricultural advocacy organization providing a unified voice for farmers across our state. A significant proportion of our membership is comprised of farmers engaged in animal agriculture who would be impacted by any change to the EPCRA rule. To evidence this, New York has over 631,000 milking cows in the state; over 42,000 hogs and pigs; over 102,000 beef cows; and over six million laying hens and over 1.5 million broiler chickens¹.

As a policy matter, EPCRA's goal is to give communities the information they need to protect their public health, safety and welfare from potential environmental risks is warranted. The goal is also fully addressed through other existing means that do not create unnecessary liabilities for livestock producers. Given the nature of animal agriculture and the facts surrounding these emissions, such reporting is not consistent with the purposes and mission of EPCRA. Furthermore, in 2018, the Fair Agricultural Reporting Method (FARM) Act expressly exempts reporting of air emissions from animal waste at a farm from CERCLA section 103.

There is no appropriate reason for requiring farmers and ranchers to report to state and local emergency response authorities estimates of the amount of air emissions from their animals' manure. While there may be de minimis and continuous releases of air emissions from animal waste, this fact is widely known to occur at every livestock farm. Therefore, it is unnecessary to

¹ 2022 Census of Agriculture-State Data; USDA National Agricultural Statistics Service

report this to a state or local emergency response authority in order for the surrounding community to know this is happening.

Another reason this reporting would be impossible is because the EPA has yet to finalize scientifically sound emissions estimating methodologies that accurately represent the air emissions from animal waste at modern livestock farms using best management practices. Such work is expected to continue throughout 2024, and EPA has publicly stated that additional refinement of the effort will need to continue through the next decade. Without sound methodologies, it is irresponsible policymaking to require farms to submit information that is inaccurate and unreliable. Equally important, the public has no need for emissions estimates that are inaccurate and unreliable. Thus, even if public disclosure were a relevant purpose behind EPCRA Section 304, that purpose would not be served here.

Our farmers continue to engage in best management practices to reduce and reuse animal waste emissions from our farms. More than most industries, farmers need and rely on an environment that is conducive to growing and raising food. Because of that, farmers take this responsibility seriously. They continue to protect the environment. One of the many ways in which they do this is by engaging in best management practices on farms and using technology to continually lower emissions.

In sum, any form of EPCRA reporting is unnecessary and would only create considerable liabilities for farmers that are not commensurate with the reports' marginal benefits. Thank you again for the opportunity to provide these comments. I ask that you seriously consider the impact of your decision on our farms not just in New York, but all across our country.

Sincerely,

A handwritten signature in cursive script that reads "Ashley L. Oeser". The signature is written in dark ink and is positioned above the typed name and title.

Ashley Oeser
Associate Director of Public Policy and National Affairs Coordinator
New York Farm Bureau