

**OPPOSE AMENDMENT TO BURDEN COMMUNITIES WITH CLEANUP COSTS BY EXEMPTING LIVESTOCK WASTE FROM HEALTH AND ENVIRONMENTAL LAWS**

November 15<sup>th</sup>, 2006

Dear Senator:

We urge you to oppose an amendment to the Agricultural Appropriations bill to exempt livestock hazardous substance releases from pollution liability and reporting requirements under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and the Emergency Planning and Community Right to Know Act (EPCRA). This exemption would block state and local governments from recovering costs incurred to clean-up hazardous substances associated with livestock waste from drinking water sources, and would withhold toxic release information from communities and emergency responders.

Large livestock operations can be significant sources of pollution. Unlike traditional farms, these operations hold thousands of animals in confined areas. These large-scale confinement operations generate enormous quantities of manure. Few operations treat this waste which produces hazardous substances such as phosphorus, ammonia, hydrogen sulfide, and carries pathogens such as *E. coli*.

This exemption is unwarranted because CERCLA **already includes a specific exemption for the normal application of fertilizer or for releases that are authorized by a Clean Water Act permit.** However, many large-scale livestock operations produce more waste than can be responsibly managed by traditional fertilizer application practices or consistent with permit requirements. Instead of adopting treatment practices or moving waste materials outside of confined areas, many operations simply dump excess waste, polluting downstream water sources.

The City of Waco, Texas recently spent more than \$54 million to deal with taste and odor problems caused by excessive dairy cow waste. Facing ever-increasing water treatment expenditures to eliminate livestock pollution, the City urged upstream operations to adopt better waste management techniques. When that effort failed, they initiated a CERCLA legal action to recover cleanup costs from the polluting operations upstream. The suit was used not to shut down dairies, but as leverage to impose better manure management at these facilities. The City of Tulsa, Oklahoma and state of Oklahoma resorted to similar actions to deal with excess livestock waste that has polluted drinking water sources.

We urge you not to exempt livestock waste from the health and environmental protections that CERCLA and EPCRA provide. Thank you for considering our views.

Sincerely,

Michele Merkel  
Senior Counsel  
Environmental Integrity Project

Wenonah Hauter  
Executive Director  
Food and Water Watch

Brad Redlin  
Director, Agricultural Programs  
Izaak Walton League of America

Velma Smith  
Senior Policy Associate  
National Environmental Trust

Ed Hopkins  
Director, Environmental Quality  
Program  
Sierra Club

Alex Fidis  
Staff Attorney  
U.S. Public Interest Research  
Group  
  
Ferd Hoefner  
Policy Director  
Sustainable Agriculture Coalition

## The Following Have Opposed the Livestock Waste Exemption

U.S. Conference of Mayors  
National League of Cities  
National Association of Counties  
American Water Works Association  
Association of Metropolitan Water Agencies  
Humane Society of the United States  
League of Conservation Voters  
National Association of County and City Health Officials  
Association of State and Territorial Solid Waste Management Officials  
City of Waco, Texas  
State of Iowa Department of Natural Resources  
Des Moines (IA) Water Works  
City of Tulsa (OK)

### **State Attorneys General**

Bill Lockyer (CA)  
Richard Blumenthal (CT)  
Gregory D. Stumbo (KY)  
Zulima V. Farmer (NJ)  
Patricia A. Madrid (NM)  
Eliot Spitzer (NY)  
W.A. Drew Edmonson (OK)  
Peggy A Lautenschlager (WI)

### **Environmental Advocates**

Alliance for the Great Lakes  
American Bottom Conservancy  
American Rivers  
Animal Welfare Institute  
Appalachian Center for the Economy and Environment  
Arizona Public Interest Research Group  
Center on Race, Poverty and the Environment  
Christen Farms  
Citizens Against Factory Farms, Inc.  
Clean Water Action  
Clean Water Action Alliance of Minnesota  
Clean Water Network of Florida  
Coast Action Group  
Community Association for Restoration of the Environment  
Concerned Citizens for Clean Water  
Concerned Citizens Against Pig Confinement

Dakota Rural Action  
Earthjustice  
Environmental Defense  
Environmental Integrity Project  
Environmental Law and Policy Center  
Environment Colorado  
Environment Michigan  
Families Against Rural Messes  
Family Farm Defenders  
Family Farms for the Future  
Friends of Milwaukee's Rivers  
Food and Water Watch  
Great Lakes Aquatic Habitat Network and Fund  
Gulf Restoration network  
Help Save the Apalachicola River Groups  
Idaho Conservation League  
Illinois Stewardship Alliance  
Indigenous Environmental Network  
Iowa CCI  
Iowa Environmental Network  
Iowa Farmers Union  
Lower Susquehanna Riverkeeper  
Midwest Environmental Advocates  
The Minnesota Project  
Missouri Coalition for the Environment  
New Jersey State Federation of Sportsmen's Clubs  
National Environmental Trust  
National Lawyers Guild of Environmental Justice Committee  
Natural Resources Defense Council  
The New York Environmental Law and Justice Project  
Northwest Environmental Defense Center  
The Ohio Environmental Council  
Ozark Clear Water  
Raymond Proffitt Foundation  
Save the Valley  
Sierra Club  
Sustainable Agriculture Coalition  
Tip of the Mitt Watershed Council  
U.S. Public Interest Research Group  
Waterkeeper Alliance  
Western Environmental Law Center  
Western Organization of Resource Council  
West Virginia B.A.S.S. Federation Nation  
Wyoming Outdoor Council