

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

November 15th, 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,

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Food and Water Watch

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Izaak Walton League of America

Velma Smith
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National Environmental Trust

Ed Hopkins
Director, Environmental Quality
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Sierra Club

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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