



January 28, 2008

Superfund Docket  
Environmental Protection Agency (2822T)  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: USEPA Proposed Rule: CERCLA / EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste

Dear Sir or Madam:

On behalf of the Dairy Business Association of Wisconsin (DBA), this letter is in response to the Agency's solicitation for comments concerning the proposed reporting exemption for air releases of hazardous substances from animal waste at farms. DBA is a nonprofit trade association representing milk producers, processors, dairy professionals and associated vendors in Wisconsin. DBA's goal is to preserve Wisconsin as "America's Dairyland" and to stabilize and grow the dairy industry and infrastructure in the state. DBA's mission statement is simple: "Keeping the Cows in Wisconsin."

DBA's membership includes dairy farmers of all sizes, many of whom will benefit from the proposed reporting exemption. We respectfully request that you consider our comments.

DBA strongly supports the proposed reporting exemption for hazardous air emissions from animal waste on farms. As a general proposition, DBA supports environmental regulations that are based on sound science, are fairly enforced and are created to be effective in a variety of situations. DBA does not believe that the existing CERCLA and EPCRA emissions reporting requirements for animal waste on farms are an effective mechanism for promoting compliance or protecting the public health or welfare.

Reporting and notification requirements under CERCLA and EPCRA serve as a trigger for federal, state and local authorities to assess whether an emergency response is necessary to avoid acute exposures to hazardous substances. In the context of animal waste on farms, these reporting requirements have not been particularly effective in promoting the policies of CERCLA or EPCRA. Practically speaking, it is highly improbable that any amount of animal waste on a farm could produce air emissions so concentrated or hazardous that they could threaten an acute exposure to humans or the environment, thus requiring an emergency cleanup response. DBA agrees with USEPA that emissions from animal waste on farms would occur into the air over a broad, open-space area. This fact alone significantly reduces the potential for exposure to high concentrations of air emissions. Not only do concentrations dissipate quickly in open spaces, but the threat of human exposure is reduced by the fact that fewer people populate rural areas.

Moreover, DBA agrees with USEPA's assessment that the typical emergency response would be inappropriate for emissions from animal waste on farms. Specifically, monitoring requirements and evacuation recommendations are geared toward releases that may result in acute exposures to hazardous substances. As explained above, DBA does not believe that emissions from animal waste on farms could pose a threat of acute exposure that would warrant such agency response.

DBA believes that existing reporting requirements direct resources away from where they can be most beneficial in reducing the impact of hazardous releases. Requiring farms to report air emissions from animal waste unnecessarily increases compliance costs for farms and regulatory oversight costs for federal, state and local agencies. As referenced in the Federal Register notice, relieving this burden will allow farms to collectively spend over 3 million more hours and over \$160 million on more effective compliance measures over the next 10 years. On balance, the burden of CERCLA and EPCRA reporting requirements is substantially outweighed by potential benefits that will come when compliance and enforcement resources can be directed toward more effective measures.

Finally, DBA recognizes that removing the reporting requirements for hazardous waste emissions under CERCLA and EPCRA does not affect the agencies' ability to bring enforcement action for violations of permits. Eliminating the reporting requirement will simply allow both the regulated community and the regulators to focus resources on minimizing violations and effectively protecting human health and the environment.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Fischer".

Laurie J. Fischer, Executive Director  
DAIRY BUSINESS ASSOCIATION, INC.