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**From:** Molly Block; **Ex. 6**  
**Sent:** 1/16/2018 4:14:34 PM  
**To:** Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group  
(FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]  
**Subject:** Fwd: FW: Cattlemen Kick Off Campaign to Prevent Farms, Ranches From Being Regulated Like Toxic Superfund Sites

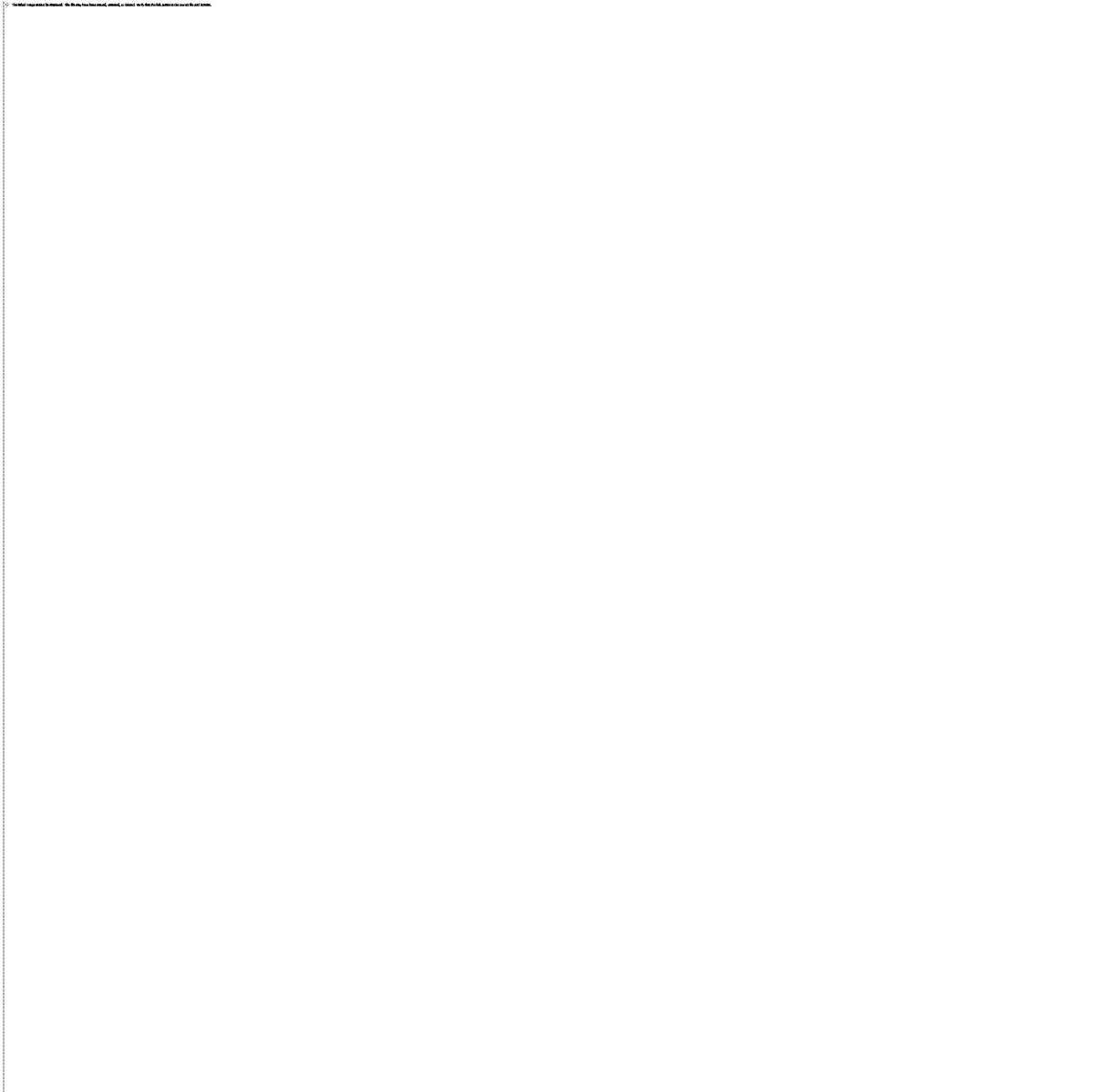
speaking of CERCLA...

----- Forwarded message -----

**From:** **Block, Molly** <[Molly.Block@mail.house.gov](mailto:Molly.Block@mail.house.gov)>  
**Date:** Tue, Jan 16, 2018 at 11:13 AM  
**Subject:** FW: Cattlemen Kick Off Campaign to Prevent Farms, Ranches From Being Regulated Like Toxic Superfund Sites  
**To:** **Ex. 6**

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**From:** Ed Frank  
**Sent:** Tuesday, January 16, 2018 11:12:40 AM (UTC-05:00) Eastern Time (US & Canada)  
**To:** Block, Molly  
**Subject:** Cattlemen Kick Off Campaign to Prevent Farms, Ranches From Being Regulated Like Toxic Superfund Sites



## **Cattlemen Kick Off Campaign to Prevent Farms, Ranches From Being Regulated Like Toxic Superfund Sites**

WASHINGTON (Jan. 16, 2017) - The National Cattlemen's Beef Association (NCBA) today kicked off a media campaign aimed at spotlighting and correcting a recent court decision that will require livestock producers to comply with laws that are only meant to apply to highly toxic Superfund sites.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) was enacted to provide for cleanup of the worst industrial chemical toxic waste dumps and spills, such as oil spills and chemical tank explosions. The Emergency Planning and Community Right-to-Know Act (EPCRA) was

enacted to ensure that parties who emit hazardous chemicals submit reports to their local emergency responders to allow for more effective planning for chemical emergencies. Both of these laws include reporting requirements connected to the events at hand.

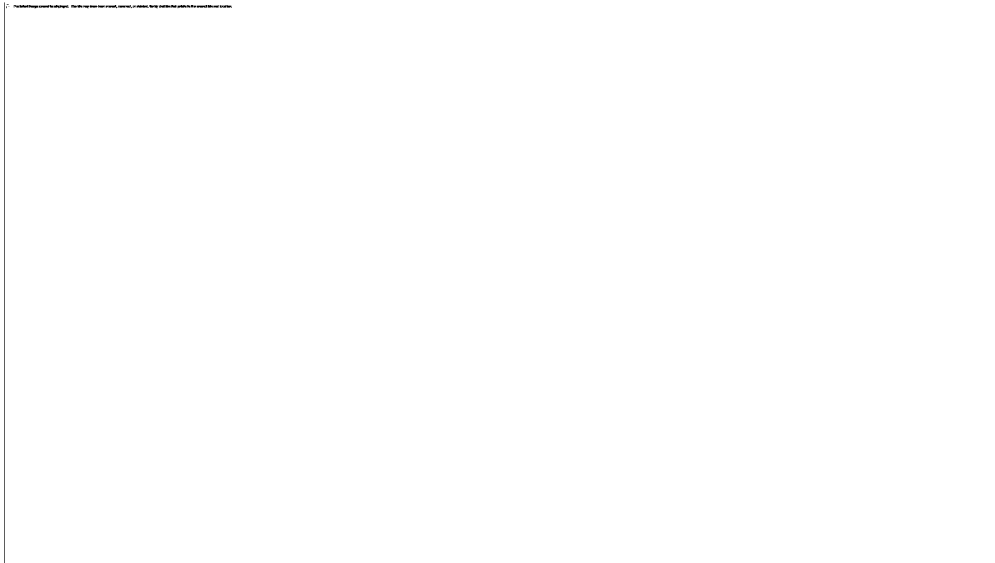
Neither of these laws was ever intended to govern agricultural operations, for whom emissions from livestock are a part of everyday life. To make this clear, in 2008, the Environmental Protection Agency (EPA) finalized a rule to clarify that farms were exempt from CERCLA reporting and small farms, in particular, were exempt from EPCRA reporting, given that low-level livestock emissions are not the kind of "releases" that Congress intended to manage with these laws.

Upon being sued in 2009, the Obama Administration's EPA defended the exemption in court on the grounds that CERCLA and EPCRA do not explicitly exempt farms because Congress never believed that agriculture would be covered under these statutes, so a specific statutory exemption was not viewed to be necessary. Unfortunately, in April 2017, the D.C. Circuit Court vacated the EPA's 2008 exemption, putting nearly 200,000 farms and ranches under the regulatory reporting authorities enshrined in CERCLA and EPCRA. The new reporting requirements could go into effect as soon as Jan. 22.

"This is just another example of radical environmental groups using the courts to wildly distort the original Congressional intent behind legislation," said NCBA President and Nebraska cattleman Craig Uden. "Unless this ridiculous situation is fixed, agricultural producers will soon have their operations treated like toxic Superfund sites, and government agencies like the U.S. Coast Guard will be inundated with unnecessary questions and reports."

NCBA's issue campaign kicked off with [a new online video](#) featuring the group's Chief Environmental Counsel, Scott Yager. In the video, Yager dons a yellow hazmat suit and explains the issue at an actual toxic Superfund site near Fredericksburg, Virginia. He then shows the contrast between the contaminated Superfund site and a cattle farm in nearby Louisa County, Virginia, that would likely have to comply with the new reporting requirements.

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“This is most certainly not a toxic Superfund site,” Yager explains from the Virginia cow pasture. “Unfortunately, a recent court decision may force cattle producers and other agricultural operations to report a bunch of information about their cow poop to the federal government under the Superfund laws that were only meant to deal with toxic waste. That is unless Congress acts soon.”

NCBA is working with allies on Capitol Hill to introduce and quickly pass legislation that would correct the situation. The group is also working with other agricultural organizations to spotlight the issue and build support for a legislative fix.

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The National Cattlemen's Beef Association (NCBA) has represented America's cattle producers since 1896, preserving the heritage and strength of the industry through education and public policy. As the largest association of cattle producers, NCBA works to create new markets and increase demand for beef. Efforts are made possible through membership contributions. To join, contact NCBA at 1-866-BEEF-USA or [membership@beef.org](mailto:membership@beef.org).

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