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**From:** Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]  
**Sent:** 11/28/2017 8:57:12 PM  
**To:** Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, E]  
**CC:** Gordon, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7c8fb4d82bff4eec98f5c5d00a47f554-Gordon, Ste]  
**Subject:** CERCLA-EPCRA Update

Good afternoon,

No policy changes to announce, but rather just wanted to share our press release which just went out this afternoon on the deadline extension. Please see below.

-Tate

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## **DC Circuit Court Grants Trump EPA Request to Extend Deadline for Farmers to Report Emissions from Livestock Operations**

**WASHINGTON** (November 28, 2017) – On Wednesday, November 22, 2017, in response to a request from the Trump Administration EPA, the DC Circuit Court of Appeals effectively extended the deadline for farmers to report air releases of hazardous substances from animal waste at livestock operations until January 22, 2018. The decision postponed the effective date of the Court’s April 2017 decision vacating an EPA rule that exempted these farms from certain statutory reporting obligations.

“EPA is committed to providing America’s farmers and ranchers - people committed to conserving the land and

the environment- the clarity needed in meeting their reporting obligations required by law,” said **EPA Administrator Scott Pruitt**.

Under the Trump Administration, EPA sought this additional time in order to provide compliance assistance to farmers, update its guidance, and develop a more-streamlined reporting form. With the Court’s decision, farmers are not required to report emissions from animal waste at these facilities until after the Court issues its mandate, expected no sooner than January 22, 2018.

**Background:**

On April 11, 2017, the DC Circuit Court vacated an EPA rule finalized on December 18, 2008, that exempted most farms from certain release reporting requirements in two statutes, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Emergency Planning and Community Right to Know Act (EPCRA).

In response to a request from the Trump Administration EPA, the DC Circuit Court extended the effective date of its decision to vacate the 2008 rule to November 15, 2017. In response to a second request from the current administration EPA, the DC Circuit Court further extended that date to January 22, 2018. As such, farmers now do not need to report emissions under CERCLA until January 22, 2018 at the earliest when the D.C. Circuit Court is expected to issue its mandate.

EPA has prepared guidance that includes links to resources that farmers can consider when calculating emissions for specific species of livestock.

To view EPA’s guidance and Frequently Asked Questions on reporting air emissions from animal waste: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>



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**From:** Bennett, Tate  
**Sent:** Wednesday, November 22, 2017 7:56 PM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>  
**Subject:** CERCLA-EPCRA Update

All-

As you may have seen, earlier today, the DC Circuit Court of Appeals granted EPA’s motion to **further stay the mandate** of its decision vacating EPA’s 2008 rule exempting farms from CERCLA and EPCRA emissions reporting requirements **until January 22, 2018**. More information can be found on EPA’s website [here](#).

Happy Thanksgiving Eve.  
Tate

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