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Cc: crichter@thepolicygroup.com[crichter@thepolicygroup.com]; Paul Bredwell[pbredwell@uspoultry.org]
From: Michael Formica
Sent: Fri 6/2/2017 4:10:39 PM
Subject: Livestock Air Emission Reporting
[NASTTPO letter on release reporting 060117-2.pdf](#)
[ATT00001.txt](#)

Ryan, Sarah, Mandy

I wanted to thank you again for your efforts to help address the recent air emission reporting issues facing livestock agriculture and provide a quick update on two items.

First, through the efforts of Christian Richter who represents the US Poultry and Egg Association here in DC, our coalition had been able to engage significantly with representatives of the National Association of SARA Title III Program Officials (NASTTPO), the organization which represents the state and local emergency response authorities who will be receiving the bulk of these reports.

Through these efforts, which we discussed with Sarah and Mandy when we met last month, NASTTPO's President Tim Gablehouse has provided us with the attached letter to Administrator Pruitt that lays out NASTTPO's evolved understanding on the usefulness of livestock air emission reporting from where they stood back in 2008 when the Bush Administration originally crafted the CERCLA reporting exemption that was at issue in the D.C. Circuit decision. Christian had indicated to Mr Gablehouse that we would pass the letter along to Administrator Pruitt on his behalf, which we are now doing by way of this email.

Second, I wanted to let you know that NPPC and US Poultry & Egg Association will be filing a motion with the D.C. Circuit this afternoon requesting a rehearing of the underlying case.

Thanks again for your attention to this matter. As always, if you have any questions please don't hesitate to contact me.

Michael C. Formica
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Sent from my SwinePhone



National Association of SARA Title III Program Officials

Concerned with the Emergency Planning and Community Right-to-Know Act

June 1, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code: 1101A
Washington, DC 20460

Re: CAFOs and Emergency Release Reporting

Dear Administrator Pruitt:

I am writing on behalf of the National Association of SARA Title III Program Officials (NASTTPO), which is made up of members and staff of State Emergency Response Commissions (SERCs), Tribal Emergency Response Commissions (TERCS), Local Emergency Planning Committees (LEPCs), various federal, state and local agencies, private industry and the vast number of volunteers that perform emergency planning and emergency response activities for their communities. Our membership is dedicated to working together with regulated facilities, transportation entities and communities at large to improve community preparedness for emergency events including hazardous materials releases.

NASTTPO over the past several years has had the opportunity to work with various industry groups on emergency preparedness related rulemaking programs at EPA. These experiences have taught us that the most important thing to LEPCs and first responders is not detailed regulatory requirements for a facility's relationship to these groups, but rather the simple act of open dialog and coordination. Following the DC Circuit decision in *Waterkeeper Alliance v EPA*, we have had meaningful and encouraging discussions with the U.S. Poultry and Egg Association along these lines. NASTTPO believes that open dialog and coordination can be more effective than release reporting for farms that do not handle quantities of EPCRA EHS chemicals but are nevertheless expected to report regarding animal manure management.

We have had experience with EPCRA emergency release reports as well as CERCLA continuous release reports from farms primarily regarding ammonia from animal manure management. These reports are of no particular value to LEPCs and first responders and they are generally ignored because they do not relate to any particular event. (This should be contrasted to the few farms that utilize gas chlorine for water treatment where emergency release reports are useful because they are event specific.)

LEPCs and first responders do not need more generic data. They need information that is locally relevant and upon which they can act. This goal is best obtained by a program that promotes coordination between the regulated facilities and these local groups. Recent discussions suggest that such a program involving farms may be achievable.

We are in favor of reducing regulatory burdens if coordination on the information needs of LEPCs and first responders occurs. The information we want from farms is community-specific. Only the LEPC and local first responders can determine what information they need from a farm as part of their emergency planning process. What we really need is coordination between the farm and local responders and LEPCs. We want them to talk to each other.

Thank you.



Timothy R Gablehouse

President

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