Superfund issue threatens livestock industry

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Summary

Legislation is underway to clarify the regulation of livestock manure under Superfund laws. During the past few years, environmental groups and others have suggested Superfund laws should be applied to manure from animal feeding, farming and ranching operations.

A bill introduced in November 2005 by Reps. Ralph Hall (R-Texas) and Roy Blunt (R-Mo.) would exempt manure from regulation as a Superfund material. H.R. 4341 was introduced on November 17, 2005. Currently the bill has 155 co-sponsors.

For cattlemen, this issue could have a tremendous effect. If opponents of animal agriculture are successful in their efforts to bring manure under Superfund regulations, any cattle producer that spreads manure on a pasture or provides it for use as a fertilizer could be subject to the Environmental Protection Agency’s (EPA) Superfund laws, originally intended to address hazardous and toxic industrial chemical spills. Media outlets and activist groups are already seizing on livestock waste issues to further vilify modern beef production in the minds of consumers and stakeholders.

Background

CERCLA (the Comprehensive Environmental Response, Compensation and Liability Act) was created in 1980 to provide for cleanup of the worst industrial toxic waste sites. The Community Right to Know law, EPCRA, was adopted in 1986 after the 1984 Union Carbide disaster in Bhopal, India, to force reporting when hazardous chemicals are released and to enable government emergency response. Both CERCLA and EPCRA contain provisions exempting “the normal application of fertilizer.” Manure is the natural fertilizer for many farms and is essential to the organic food industry.

Suits filed by municipal and state governments in Texas and Oklahoma against livestock and poultry operations argue that manure is hazardous. If these two cases are successful, the effect could be outlaw of manure-based fertilizer in this country. Congress has now been called to confirm that it never intended to regulate manure under CERCLA or EPCRA because without it, every livestock or poultry operation, agricultural field or organic farming operation on which manure or manure compost is spread for fertilizer in this country could be subject to Superfund laws.

A bill passed in the Oklahoma Statehouse seeks to clarify that livestock manure is not considered hazardous waste. The bill must now return to the state Senate for consideration of changes made by the House. The effort is being supported by the Oklahoma Cattlemen’s Association in cooperation with other agriculture groups.

American agriculture is already effectively regulated by a wide range of tough federal and state environmental laws, regulations and permitting. Cattle producers are good stewards of the land, without being regulated by CERCLA or EPCRA. Currently, the manure produced by cattle operations is responsibly used as fertilizer by local farms and, under the Clean Water Act Concentrated Animal Feeding Operation Rule, producers are required to document who uses the manure they produce and how.
Policy Actions

- The tens of thousands of farms and livestock operations should not be subject to comprehensive and highly regulated cleanup under Superfund law. Livestock operations generate manure that can be used as a natural fertilizer on farm land.

- CERCLA and EPCRA contain provisions exempting “the normal application of fertilizer.” Manure is the natural fertilizer for many farms and is essential to the organic food industry.

- American agriculture is already effectively regulated by a wide range of tough federal and state environmental laws, regulations and permitting. It has never been regulated by CERCLA or EPCRA.

- Livestock operators should contact their members of Congress and convey that livestock manure is not a Superfund material and cattle operations are not Superfund sites.

*Policy actions are funded through NCBA dues dollars and other non-checkoff revenue.*