

**USDA Agricultural Air Quality Task Force
Animal Feeding Operations Subcommittee – Action Plan**

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GOAL: Prioritize list of issues to be addressed by animal agriculture. Can be recommendations for research or policy. What is impacting the industry the most.

Group A = High Priority, Urgent Action

Group B = High Priority, Action During AAQTF Term

Group A

- Issue: Identify and evaluate conservation management practices (i.e., CMPs) by looking at all aspects of managing and/or mitigating emissions and fate and transport with respect to of all pollutants.

Action Plan: The AFO Subcommittee will recommend that USDA obtain additional data to evaluate the current scientific data regarding CMPs and improve the scientific basis for CMPs. As a starting point, USDA and/or its contractors should review the existing suite of management activities and CMPs and identify opportunities for new CMPs that should be evaluated.

- Issue: Need for the proper development of emission estimation methodologies, including in the National Air Emissions Monitoring Study (NAEMS) - how we express emissions/emission factors (i.e., units – per head?, per ton?, per acre?) is important. Related concerns include:
 - Types of samplers used
 - Sampler bias/location/placement
 - Concerns with PM NAAQS (including PM Coarse and PM Fine) and EPA measurement methods and the impacts on animal feeding operations.
 - Identification and evaluation of CMPs
 - Expression of emissions/emission factors
 - Need for education and outreach to state and local regulators to let them know about these issues relative to accurate sampling results for compliance purposes
 - Need for a determination that P, N, and H₂S are not pollutants when arising from manure

Action Plan: In order for the AFO Subcommittee and the full AAQTF to resolve questions related to the NAEMS, as well as to remain up-to-date on the latest NAEMS developments, the AFO Subcommittee requests that a time slot (at least 1 hour) for presentation(s) from a

NAEMS representative(s) be included in the agenda for the next AAQTF meeting.

The AFO Subcommittee will develop a list of specific questions for the NAEMS representative(s).

- Issue: Bio Energy/biofuels and how they may affect animal feeding operations, including:
 - Feeding of by-products and the associated effects on feeding profile and resulting affect on emissions and excretion.
 - The mass energy balance/usage? Net positive or net negative?
 - The unintended consequences of ethanol, such as:
 - Pulling dairy and other operations into areas where ethanol is currently produced to take advantage of available synergies from being near ethanol production
 - Emission implications of feeding ethanol distillates

Action Plan: The AFO Subcommittee will coordinate this issue with the Internal Combustion Engines and Alternative Fuels (ICEAF) Subcommittee for those items that affect animal agriculture.

The AFO Subcommittee will develop a white paper related to this issue.

- Issue: CAA and CERCLA/EPCRA permitting and reporting applicability issues for animal operations.

Action Plan: The AFO Subcommittee believes that this issue is currently being addressed. However, the Subcommittee feels this issue is important enough to warrant continued monitoring by the AAQTF. EPA has recently announced it's intent to put a committee together to review the CERCLA/EPCRA reporting requirements for agriculture. The AFO Subcommittee also requests that USDA staff continue to keep the AAQTF informed of significant developments and/or problems related to this issue.

- Issue: Concern with using Consent Decrees/Agreements to conduct rulemaking without notice and comment.

Action Plan: The AFO Subcommittee will further review this issue and develop recommendations for the Secretary, since the Subcommittee is currently concerned about the lack of scientific basis for developing the provisions of recent Consent Decrees/Agreements. It is expected that these recommendations will include a request for the Secretary and/or USDA representatives discuss this issue with EPA and the DOJ.

- Issue: All USDA agencies with animal air quality research responsibilities should present a unified research plan for enhanced air quality research at the next AAQTF meeting.

Action Plan: A recommendation regarding this issue was previously approved by the AAQTF. However, the AFO Subcommittee feels this issue is important enough to warrant continued monitoring by the AAQTF. The AFO Subcommittee also requests that a USDA representative provide updates on efforts to fulfill the AAQTF recommendation at subsequent AAQTF meetings.

- Issue: Need to identify/implement whole systems-based approaches to be used in the CSP or other conservation programs to address multi-media impacts of alleged air pollutants from tillage and animal agriculture.

Action Plan: The AFO Subcommittee will further review this issue and develop recommendations for addressing this issue for animal agriculture.

- Issue: Concerns with the potential regulation of CO₂ and other greenhouse gases from animal operations (including current Supreme Court case – Mass. vs. EPA).

Action Plan: The AFO Subcommittee will coordinate this issue with the Greenhouse Gas and VOC (GHG/VOC) Subcommittee for those items that affect animal agriculture.

The AFO Subcommittee will recommend that USDA legal counsel review this issue and provide their interpretations at the next AAQTF meeting.

Group B

- Issue: Need to address issues associated with farm size and integrators and how to make various incentives (e.g., EQIP funding, tax incentives, etc.) available for all producers to more quickly and efficiently move proven technologies into the industry.
- Issue: Need to identify/clarify appropriate definitions for applicability of regulations to agricultural sources, including animal feeding operations. As has recently been clarified by EPA with respect to cattle feedlots for Title V permitting purposes, there is a need to determine fugitive vs. non-fugitive emission sources for other types of animal operations.
- Issue: Review the use of incentives (e.g., reduced regulation, etc.) for certification programs and market-based incentives (e.g., emissions reduction credits, etc.) for animal operations.

Other Issues

- Issue: Need for a regional technology review center to work with NRCS and incorporate new and proposed technologies into the CIG program to help with the multitude of vendors of new technologies. Need to make sure that there is quicker acceptance and approval of practice standards and CMPs.

- Issue: Concern with hazardous air pollutant (HAP) issues, including:
 - H₂S as potential HAP
 - Diesel PM as potential HAP

- Issue: Concerns with the focus of nuisance and common law actions, including the focus on ammonia and H₂S.

- Issue: Right-to-Farm--Started in 1964 with concerns of urbanization of agriculture. Every state passed right-to-farm laws. “Today” we have another wave of urbanization moving forward. Urban folks are one, two, three generations removed from agriculture. There is a need to monitor whether right-to-farm laws are keeping up with changing conditions.