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Agriculture/Superfund Release Reporting: March 8th U.S. Senate Committee on Environment and Public Works Committee Hearing

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The United States Senate Subcommittee on Superfund, Waste Management, and Regulatory Oversight Committee of the Environment and Public Works ("Committee") held a March 8th hearing in regards to:

Senate Bill 2421 – The Fair Agriculture Reporting Method Act ("Act")

The focus of the hearing was legislation that would restore a Comprehensive Environmental Response, Compensation and Liability Act (i.e., CERCLA or Superfund) exemption for reporting low level animal manure emissions.

One of the witnesses at the hearing (Bill Satterfield of Delmarva Poultry Industry, Inc.) noted by way of background:

This piece of legislation is needed because EPA's original exemption was challenged in court and in its decision the court adopted a strict reading of the CERCLA statute and concluded that Congress did not authorize EPA to create the exemptions it did. Therefore, failure to amend the CERCLA statute to remove the reporting requirement for emissions of animal manure will subject thousands of poultry and egg farmers to a paperwork exercise that has no environmental or health benefit to the public. In fact, we estimate that more than 200,000 or more farmers and ranchers could be subjected to these reporting requirements if this bi-partisan legislation is not enacted into law. To prevent practical reversal of this important rule and expedite emergency response personnel's ability to respond to genuine hazardous releases and emergencies, Congress needs to act to clarify its intention and the FARM Act will effectively codify the EPA's vacated standard.

The other witnesses at the hearing included:

- Todd Mortenson, Mortenson Ranch on behalf of the National Cattlemen's Beef Association
- Mark Kuhn on behalf of Floyd County, Iowa, Board of Supervisors

[A copy of the witness testimonies and SB 2421 can be downloaded here.](#)