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**U.S. House of Representatives**  
**Committee on Energy and Commerce**  
**Washington, DC 20515-6115**

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October 26, 2005

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**A Legislative Rider That Creates  
Risks To Public Health**

Dear Colleague:

There is an effort underway in the Agriculture Appropriations conference to insert a legislative rider exempting large concentrated animal feeding operations (CAFOs) from the Comprehensive Environmental Response Compensation and Liability Act (Superfund) and the Emergency Planning and Community Right-To-Know Act (EPCRA). Here are some facts that you should be aware of:

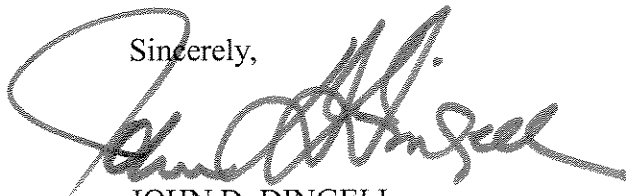
- Neither the House nor the Senate considered or adopted this exemption for manure during the consideration of their respective Agricultural Appropriations bills. No hearings or markups have been held by the authorizing Committees.
- The legislative rider would eliminate the EPA public health authorities under Superfund to respond to hazardous substance or pollutant or contaminant releases from CAFOs, such as ammonia, hydrogen sulphide, and phosphorous.
- The legislative rider would create an exemption from Federal liability for any natural resource damages that may result from a large spill.
- Ammonia releases with the potential to adversely affect human health and the environment would no longer have to be reported to the EPA or State and local emergency planning committees under EPCRA Section 304.
- Poultry and dairy operations have reported ammonia releases of 1.6 million pounds per year -- enough to be in the top ranking of industrial facility emissions. Two of the top ten facilities for ammonia releases reporting in the EPA Toxic Release Inventory for 2003 were poultry operations.
- There are emerging concerns being raised about large, concentrated poultry animal feeding operations and the spread of Avian flu. The bird flu epidemic in

Indonesia reportedly originated in large commercial poultry farms. The World Health Organization (2004) lists the “increasingly concentrated animal husbandry practices and increased usage of concentrated feedlots” as one of the underlying driving forces of emerging zoonotic waterborne pathogens.

- The legislative rider will eliminate the State of Oklahoma’s current legal action to recover costs and natural resource damages under Superfund for improper poultry waste disposal practices that caused pollution in the Illinois River Watershed.
- The legislative rider will eliminate current legal action by the City of Waco, Texas, seeking recovery of response costs from certain dairy operations under Superfund for phosphorous pollution of Lake Waco, the sole source of public drinking water for 110,000 citizens.
- The legislative rider will undermine and remove incentives for participation in the Animal Feeding Operations Consent Agreement and Final Order entered into on January 31, 2005, between the Environmental Protection Agency (EPA) and the swine poultry and livestock industries. Under the Consent Agreement, EPA is offering animal feeding operations an opportunity to sign a voluntary consent agreement under which the participants receive immunity from Federal enforcement for two years from Superfund and EPCRA violations, in return for participation in a National Air Quality Study.

This legislative rider is bad process and bad policy.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Dingell". The signature is fluid and cursive, with a large initial "J" and "D".

JOHN D. DINGELL  
RANKING MEMBER