

ONE HUNDRED ELEVENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

April 12, 2010

Mr. Bob Stallman
President
American Farm Bureau Federation
600 Maryland Avenue, SW
Suite 1000W
Washington, DC 20024

Dear Mr. Stallman:

The Committee on Energy and Commerce is examining claims of the projected impact that rulemaking requiring mandatory reporting of greenhouse gases would have on the agricultural sector. On October 30, 2009, the Environmental Protection Agency (EPA) published a final rule requiring all sectors of the economy to report greenhouse gas emissions, effective December 29, 2009. Under this rule, livestock facilities operating manure management systems that emit over 25,000 tons of carbon dioxide equivalent gases (methane and nitrous oxide) would be required to monitor and report the amount of greenhouse gases they emit annually. EPA estimated that, if this rule were allowed to take effect, between 100 and 110 of the country's largest livestock facilities would be required to calculate and report greenhouse gas emissions. EPA also estimated that the annual cost of gathering and calculating this data would be \$900 per facility for the first year and \$400 for subsequent years. According to EPA, recordkeeping and reporting costs would be approximately \$1,700 for the first year and \$500 for subsequent years.¹

The mandatory reporting rule cannot currently be enforced against facilities with manure management systems because a provision of the Interior, Environment, and Related Agencies Appropriations Act of 2010 (P.L. 111-88) prohibits the expenditure of funds for this purpose. Opponents of the mandatory reporting rule, including the American Farm Bureau Federation, contended that it would be "overly expensive and burdensome" for livestock facilities with manure management systems to report greenhouse gas emissions annually to EPA.² In a letter

¹ Environmental Protection Agency, *Guide for the Agriculture and Livestock Sectors, Final Rule: Mandatory Reporting of Greenhouse Gases* (Sept. 2009) (EPA-430-F-09-059R).

² U.S. House of Representatives, Statement of Rep. Mike Simpson, Debate on Motion to Instruct Conferees on H.R. 2996 (Oct. 27, 2009).

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you sent on behalf of the American Farm Bureau Federation to Members of Congress on October 27, 2009, you asserted that compliance with EPA's reporting rule would "lead to the installation and operation of costly and specialized monitoring equipment."³ This statement appears at odds with the text of the final rule, which requires only facilities currently operating anaerobic digesters to purchase monitoring equipment. All other facilities would calculate their emissions by inputting livestock data into models created by the EPA, without the use of any additional equipment or technology.⁴

In order to assist the Committee with its examination of the projected impact of the mandatory reporting rule on livestock facilities, please provide the following information:

- (1) All studies and analyses undertaken by the American Farm Bureau Federation, or the facilities it represents, to determine the cost or feasibility of calculating and reporting greenhouse gas emissions to EPA; and
- (2) Any other documents which form the basis of the American Farm Bureau Federation's conclusion that compliance with the EPA reporting rule would be costly and burdensome to large agricultural facilities.

Please provide the information in these requests by April 26, 2010. An attachment to this letter provides additional information on how to respond to the Committee's request. If you have any questions regarding this request, please contact David Leviss or Ali Golden with the Committee staff at (202) 226-2424.

Sincerely,



Henry A. Waxman
Chairman

Enclosure

cc: The Honorable Joe Barton
Ranking Member

³ Letter from Bob Stallman, President, American Farm Bureau Federation, to Rep. Henry Waxman, Chairman, Committee on Energy and Commerce, U.S. House of Representatives (Oct. 27, 2009).

⁴ Environmental Protection Agency, *Mandatory Reporting of Greenhouse Gases*, 74 Fed. Reg. 56260 (Oct. 30, 2009) (final rule).