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Ms. Lynn Beasley
Superfund Docket
U. S. Environmental Protection Agency
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1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

EMAIL: superfund.docket@epa.gov

RE: Docket ID No. EPA-HQ-SFUND-2007-0469
CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of
Hazardous Substances From Animal Waste

Dear Ms. Beasley:

I am writing in response to EPA's request for comments on the proposal to exempt livestock and poultry operations from the CERCLA/EPCRA air emissions reporting requirement.

I am an egg producer in Georgia. My egg farm is designed and operated to make possible the sound and responsible management of the manure that my hens produce so as to protect the environment. We are committed to making sure that happens. A great deal of time and cost is associated with the responsible stewardship of that manure, and I appreciate any effort to do away with unnecessary or valueless reporting requirements that do not contribute to meeting that goal. Protecting water and air quality are critically important objectives, and I take our responsibilities in this regard seriously. But reporting our ammonia emissions to the Coast Guard's National Response Center only fosters sentiments that the federal government does not itself take seriously the real issues of manure management and the resources that are to be protected. That is why I support your proposal to do away with this reporting under CERCLA/EPCRA, and I urge EPA to move forward with the final adoption of this proposal.

My trade association, the United Egg Producers, is submitting more detailed comments about this proposal. I want to associate myself with those comments and lend support to their conclusions. I note, especially, the following observations for your consideration.

- **No emergency health threats**—The ammonia produced from the manure generated by our hens does not represent an emergency health threat to the general public. As such, I fully agree with the EPA finding that there will never be a local or state emergency response needed or called for as a result of our emissions of ammonia.
- **No chronic health threats**—None of the information and research that I am aware of indicates there are chronic health threats to the general public from the ammonia produced by my layers. I understand that under the Clean Air Act, EPA and the states are considering the role of ammonia in smog formation in certain parts of the country,

and pending the outcome of that work our operations may be subject to emission reduction requirements under that Act. Good science will help us answer those questions, and we will abide by those findings and take the steps called for to address any issues found. But certainly the Clean Air Act is the proper statute to address such issues and questions and the emergency reporting requirements of CERCLA are not.

- **No “community right to know” issues**—I believe that any concerns that the community does not know where our operations are located and what we are emitting to be unfounded. Those in our communities know where we are, and the county-level data published by USDA National Agricultural Statistical Service make it clear just how many laying hens there are in a particular county. And as to what we emit, there is no lack of publicly available science and information to anyone that cares to look. Our hens’ manure produces ammonia as the manure decomposes once it is excreted; there is no mystery or lack of knowledge in this regard. CERCLA/EPCRA reporting does not add in any meaningful way to this knowledge base.
- **CERCLA/EPCRA authorities still apply where needed**—As EPA makes clear in its proposal, EPA does not need these reports or the related authorities to act to protect human health and the environment under CERCLA/EPCRA where needed.
- **CERCLA/EPCRA reporting is legitimate burden**—Without question, requiring us to report under federal law to the National Coast Guard as well as state and local emergency response authorities creates real and significant burdens. The burden comes from the fact that, despite the good science being developed under the National Air Emissions Monitoring Study, reports on the quantity of ammonia emitted from our farm will never be better than an estimate. There are simply far too many variables governing the actual amount to have the reported figure be precisely correct. As is the case with all estimates, you can guarantee that the number reported will be different from the actual. We are deeply concerned with the liabilities created in these circumstances. While we know how we will defend ourselves against claims that our reported levels are wrong, how much will it cost to defend ourselves and what happens if the authorities don’t agree? A federal reporting requirement is a serious obligation, and we will need to expend the time and resources to submit estimates that are as correct as possible. But even with such efforts, we face liabilities and as such these reporting requirements do create real burdens to be taken seriously.

Given the current difficulty in estimating our releases, the fact that this exemption is narrow and reasonable and lets no one “off the hook”, and the likelihood that EPA, the Coast Guard and National Response Center, as well as state and local emergency responders would not respond to a farm’s release report, I support approval of EPA’s proposal to exempt livestock and poultry operations from the CERCLA/EPCRA air emissions reporting requirement.

Sincerely,

David Lathem
Lathem Farms, Inc.