

Concentrated Animal Feeding Operations (CAFO) Rule

Information Sheet

Overview:

By today's actions, the Environmental Protection Agency is working with the agriculture community to control water pollution from the nation's largest livestock operations while at the same time keeping American agriculture strong and viable.

Today's final rules replace the prior technology requirements and permitting regulations that are over 25 years old. The past regulations were out of date and did not establish adequate expectations for environmental performance. These rules will protect America's waters by controlling runoff from agricultural feeding operations, preventing billions of pounds of pollutants from entering America's waters every year.

EPA fully recognizes that farmers have a long history of stewardship of the land. As livestock production methods change, it is important that environmental management practices keep pace and protect our valuable land and water resources for future generations. Effective manure management practices required by this rule will maximize the use of manure as a resource for agriculture while reducing its impact as waste on the environment.

Environmental Progress:

EPA's final CAFO rule will provide substantial and measurable environmental and public health benefits. The rule significantly improves the way animal manure will be managed at large CAFOs. Together with USDA's voluntary programs, this rule will help protect the Nation's waters from nutrient over enrichment and eutrophication, which cause algal blooms and fish kills and contribute to the expansion of the Gulf of Mexico dead zone. The rule will also reduce pathogens in drinking water and improve coastal water quality.

Over the past two decades, the animal production industry has changed. This rule will require large livestock operations to develop nutrient management plans. These plans will ensure that manure is properly managed and that manure nutrients are utilized by crops, rather than entering surface waters.

The rule will lead to an estimated annual reduction of over 56 million pounds of phosphorus released from CAFOs into the environment, over 110 million pounds of nitrogen, over 2.1 billion pounds of sediment, over 911,000 pounds of metals, and

significant percentage reductions in pathogens, based on estimates during development of the final rule.

Animal manure is a valued resource, when managed effectively. While nutrients like phosphorus and nitrogen are valuable components of manure, and essential for crop growth and animal production, improper management of manure can lead to eutrophication of rivers, lakes and estuaries. Eutrophication is the accelerated “aging” of waters caused by excessive nutrient loading which causes excessive plant growth, fish kills and reduced aesthetic quality.

Improving Implementation of CAFO Rules:

Despite their existence for 25 years, current rules have proven to be ineffective and inadequate. EPA is strengthening the existing rules to remove ambiguity as to which operations are covered by the rules, and to address all aspects of ensuring effective manure management by large operations, including land application.

For the first time, all of the Nation’s large CAFOs, including beef, dairy, swine, and poultry operations, are required to get Clean Water Act permits from the States or EPA, regardless of whether they discharge only during large storms.

The permits issued by EPA and States will require large livestock operations to develop nutrient management plans that ensure that manure is properly managed and land applied in ways that assure utilization of nutrients by crops.

States will play a key role in implementing these final rules. EPA will work closely with states to implement these rules.

Rural Partnerships:

EPA and USDA are setting an example for environmental and agriculture partnership through our combined efforts. EPA’s regulatory actions are designed to complement USDA’s voluntary programs and policies, resulting in seamless national environmental objectives for all livestock agriculture.

EPA and USDA support similar partnerships at the state and local level. EPA and USDA will be working with the State environmental and agriculture agencies to develop cooperative regulatory and voluntary efforts to support all animal feeding operations to take prudent steps to protect water quality.

EPA and USDA jointly support local watershed efforts that target resources to the pollution sources that pose the greatest water quality risks, whether they are from agriculture, industry or cities.

EPA is promoting watershed-based efforts including national watershed pilot efforts, water quality trading, watershed-based permitting and other approaches that provide State and local communities with the tools and abilities to target their efforts to improve water quality. EPA and USDA will also continue providing financial support from Clean Water Act programs and the Environmental Quality Incentives Program to support efforts by livestock producers.

To help these livestock operations meet the rule's requirements, Congress increased funding for land and water conservation programs in the 2002 Farm Bill by \$20.9 billion, bringing total funding for these programs to \$51 billion over the next decade. The Environmental Quality Incentives Program (EQIP) was authorized at \$200 million in 2002 and will ultimately go up to \$1.3 billion in 2007; 60 percent of those funds must go to livestock operations. New technology is also being perfected to aid farmers in meeting this new rule.

State Flexibility:

This final rule maintains substantial flexibility and adds new opportunities for States to tailor these final rules to their needs.

The final rule maintains important flexibility for States that allows them to focus their resources and ensures that federal programs complement existing State efforts. EPA has retained the existing structure of when medium and small operations may be subject to the regulations. EPA has recommended that States use voluntary and incentive programs to help small and medium operations avoid water pollution problems that would make them subject to these new regulations.

The final rule also maintains a variety of flexibilities to accommodate State program implementation including:

- Flexibility for States to tailor their permit program to address specific needs. For example, States retain the authority to determine the type of permit, general or individual, to be issued to a given operation. This enables States to develop permits that take into account the size, location, and environmental risks that may be posed by an operation.
- State authority to determine that specific CAFO operations have no potential to discharge pollutants under any circumstances, and hence do not need permits. This flexibility recognizes the geographic diversity and climatic variations that can exist.
- States have substantial flexibility to tailor nutrient management for CAFOs.
- States can authorize alternative performance standards for existing and new CAFOs that will help promote innovative technologies.

Public Accountability:

The final CAFO rule will fundamentally improve the implementation of Clean Water Act requirements for CAFOs and significantly improve accountability to the public to ensure them that CAFOs are effectively managing manure and protecting water quality. All CAFOs will be required to submit annual reports to the permitting authority with important information on nutrient management plan implementation.

Innovation and Technology:

EPA recognizes the power of American ingenuity to develop new technologies to solve today's problems. While manure is a valuable resource when used properly for agricultural purposes, there are areas of the country where there is simply too much manure for the available land. Also, some livestock producers are moving forward with development of new technology for manure management, such as a feedstock for compost and fertilizer and for energy generation.

The final rule provides for the States' ability to approve "alternative performance standards" to encourage and provide stimulus to ongoing technology innovation efforts within the industry. As this industry grows and changes, it is important that its practices and technologies keep pace with those changes so our valuable land and water resources are adequately protected.

Striking a Balance that is Practical and Effective:

The final rule makes significant improvements to the December 2000 proposal. While retaining the most environmentally important components, it also:

- targets better resources and requirements to the largest facilities and greatest water quality risks;
- adds State flexibility for developing nutrient management standards, including site-specific, scientifically-based requirements, in permits;
- encourages innovation through alternative performance standards and technologies that match or exceed the required environmental benefits; and
- provides a clearer, more practical and affordable approach that States and farmers can implement.

As a result, the final rule is likely to cost \$335 million per year rather than up to \$980 million per year in the proposal.