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12/01/2008 10:08 AM

To Group A-AND-R-DOCKET@EPA

cc

bcc

Subject Email sent on Friday - Comments on Docket ID No. EPA-HQ-OAR-2008-0318

From: "David Cooper" <dcooper@fdusa.org>
To: <a-and-rDocket@epa.gov>
Subject: Comments regarding proposed rulemaking - EPA-HQ-OAR-2008-0318
Date: Fri, 28 Nov 2008 15:21:58 -0600
Message-ID: <E64F18FCC8BD4619BBC928BE937E930C@RICHARD2>

Original to follow by mail.

November 28, 2008

Air and Radiation Docket and Information Center

Environmental Protection Agency

Mailcode: 2822T

1200 Pennsylvania, Ave., NW

Washington, DC 20460

EMAIL: a-and-r-Docket@epa.gov

RE: Docket ID No. EPA-HQ-OAR-2008-0318, Advance Notice of Proposed Rulemaking, "Regulating Greenhouse Gas Emissions under the Clean Air Act"

Dear Sir or Madam,

Our organization would like to offer for your consideration comments relating to the Advance Notice of Proposed Rulemaking for regulating greenhouse gases (GHG) under the Clean Air Act (CAA). Family Dairies USA is a dairy cooperative with 3600 members located in a six state area in the Upper Midwest of the United States. Our members are involved in production agriculture meaning that a majority of them produce the crops that feed the cows that produce the milk which feeds the nation. They are stewards of the

land and recognize the importance of managing their operations to provide for an efficient & profitable operation while providing quality & affordable food to the world. We are opposed to the current regulations relating to greenhouse gases under the Clean Air Act as it relates to production agriculture.

Farmers recognize the importance for clean air and have engaged in numerous innovative programs in animal agriculture in the past decade. They have continued to push for technological opportunities to become more efficient by utilizing materials from their operations to create electricity, fertilize the ground, and fuel their tractors. While the perception may be that agriculture is a significant contributor to GHG, it bears mentioning that domestic animal agriculture has been part of overwhelming and unmitigated success relating to emissions. The dairy industry specifically bears mention as a success story to illustrate this point. Referencing the work of Capper, J.L., R.A. Cady and D.E. Bauman 2008 "Increased Production Reduces the Dairy Industry's Environmental Impact" - in 1944, the dairy herd was 25.6 million animals, producing about 1.2 billion hundredweight (cwt) of milk a year, and supplying a US population of almost 130 million people. They produced an estimated 768 million carbon equivalent units of GHG emissions or 30 kg on a CO_2 equivalent basis per milking cow. In 2007, the dairy herd had been reduced to 9.2 million animals, producing almost 1.9 billion cwt of milk, and supplying a US population of approximately 302 million people. While the carbon equivalent units of GHG emissions were approximately 60 kg of CO_2 per milking cow, the amount of emissions on a per unit of milk produced was substantially less - 1.3 units of carbon equivalents compared to 3.5 units. The US dairy farmer has essentially been able to supply the population needs for dairy products while reducing the GHG emissions by over 60% during this time.

If the Environmental Protection Agency (EPA) chooses to regulate GHG emissions from automobiles under the Clean Air Act, EPA must first make a finding that GHG endangers public health and safety and should be classified as a "pollutant." The difficulty with this approach is that once an endangerment finding is made, other provisions of the Clean Air Act are automatically triggered, including Title V.

Title V requires that any entity emitting more than 100 tons per year of regulated pollutant must obtain a permit in order to continue to operate.

EPA has no choice but to require these permits once an endangerment finding is made. USDA has stated that any operation with more than 25 dairy cows emits more than 100 tons of carbon and would have to obtain permits under Title V in order to continue to operate if GHG are regulated. Title V is administered by the states, and permit fees (tax) varies from state to state. EPA sets a "presumptive minimum rate" for permits, and that rate is $43.75 per ton for 2008-2009. For states charging the $43.75 per ton rate, the cow fee (tax) for dairy would be $175 per cow.

The cow tax would impose a significant added cost for our dairy farmers that cannot easily be absorbed. So while the dairy farmer has done exactly what other industries should have done over the years - reducing the emissions in total on the products they produce, they would in turn be severely punished. Investments in the dairy industry versus permit charge penalties would allow this industry to realize even greater benefits in GHG reductions than they have already accomplished. The subsequent permit requirement would not grant the producer anything new, only allow the producer to continue operating. Imposition of the tax will cause many operators to go out of business and would likely raise prices for the products they produce.

In addition, farmers are now credited for their efforts in taking GHG out of the atmosphere through the Carbon Credit Program where producers and land owners earn income by storing carbon in their soil through no-till crop production, conversion of cropland to grass, sustainable management of native rangelands and tree plantings on previously non-forested or degraded land. In addition, the capture of methane from anaerobic manure digester systems also can earn carbon credits. In general, this regulation if implemented would penalize the producer on one hand and credit them on the other and I suspect it would create a lot of work and costs by state and federal officials in between. It would seem to make better sense for GHG regulation to encourage continued and increased sequestration of GHG by agriculture rather than by regulating the relatively small percentage of emissions this sector contributes in total. The environmental benefits meant to be achieved through the cow tax and general regulation of greenhouse gases will be minimal or non-existent.

In closing, while we recognize the significance of this ongoing climate change challenge and the role GHG emissions play in it, it is important that these potential changes made to policy recognize the role these sectors play

in it. An automobile and agriculture are significantly different and the emissions they produce or credit to the environment should be debated in an open and transparent way, not by implementing Title V of the Clean Air Act and considering they are equal.

I urge the EPA to avoid the use of the Clean Air Act as a means of regulating GHG. Rather, the EPA should use this comment period to gather information that will encourage dialogue and cooperation among policymakers, stakeholders and others to achieve a strong climate policy. Thank you for consideration of these comments.

Sincerely,

David Cooper

General Manager

Family Dairies USA

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