



THE  
**PEW**  
ENVIRONMENT GROUP

901 E Street NW, 10th Floor  
Washington, DC 20004

Phone 202.552.2000

Fax 202.552.2299

[www.pewtrusts.org](http://www.pewtrusts.org)

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The Honorable Cass R. Sunstein  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
Eisenhower Executive Office Building  
1650 Pennsylvania Avenue, NW  
Washington, DC 20503

Dear Administrator Sunstein,

Thank you for the opportunity to share our strong support for issuance of a data collection rule for concentrated animal feeding operations (RIN 2040-AF22). The Pew Environment Group believes that a rule issued under authority of Section 308 of the Clean Water Act is essential to addressing the long-standing and serious pollution problems associated with CAFOs, and we urge the Office of Management and Budget to quickly release the proposal by the Environmental Protection Agency (EPA) for publication in the Federal Register.

The lack of basic information about the location, type, size and manure management practices of animal confinement operations across the country has long been cited as an impediment to effective regulation, and we believe that EPA's initiative to obtain and maintain up-to-date records on facilities that generate and manage large volumes of animal manure is a common sense first step for controlling manure-associated releases of nitrogen, phosphorus, sediment, pathogens and other pollutants.

As you may know, the Government Accountability Office issued a report nearly nine years ago calling for increased EPA oversight of CAFOs. The January 2003 GAO report noted that while EPA had, in theory, regulated discharges from CAFOs since the mid-1970s, EPA had also continued to report serious water impairments associated with such facilities. As GAO noted, few facilities actually held permits. GAO faulted both EPA and the states for failure to identify the resource needs for effective control programs and stated that "EPA and most states do not know precisely how many animal feeding operations should have discharge permits." These observations are similar to those found in earlier and more recent reports and analyses, and in 2008, GAO again called on EPA to improve its efforts to protect air and water quality from CAFO-related releases. The 2008 GAO report notes the lack of "comprehensive, accurate information on the number of permitted CAFOs nationwide" and calls on regulators to establish a new national data system on CAFOs.

We believe that improved information will allow federal and state regulators, farmers, water utilities and others concerned with protecting water resources to make informed decisions about protection priorities and carefully target increasingly limited technical assistance funding to the appropriate entities and programs. Such information should allow regulators and agricultural policy experts to determine those areas that are most vulnerable to pollution impacts, including areas in which manure generation exceeds crop needs, and those practices that are most effective in controlling releases. In the many watersheds that are or will be subject to total maximum daily load (TMDL) limitations, this information will help not only to identify operations that must better manage pollution but also to offer "credit" to those operators who are effectively controlling releases. Reliable CAFO inventory information will also help regulators to assess the likely economic impacts of any additional CAFO requirements.

Although we do not know the specifics of the proposal now before you, we have reviewed the data elements that EPA identified in its Waterkeeper settlement, and we are hopeful that the Agency will propose the regulation with this list fundamentally intact. Other than perhaps allowing individual operators to submit identifiable street addresses rather than specific latitude and longitude information, we believe the list represents a useful and reasonable request for information. In our view, all of this information should customarily be kept by CAFO operators, either for basic business planning purposes, including planning for appropriate housing for animals and adequate storage of manure, or for making certain that any land application of manure is tailored to the agronomic needs of crops and does not constitute simple disposal of waste. Sharing this information which would be kept for other purposes should not place a significant paperwork burden on operators.

In particular, we would note the importance of collecting information on the integrator associated with each facility. Poultry integrators or other processors who contract with individual CAFO operators generally exercise significant management control over operations, including dictating the type of housing used, determining the breeds of animals placed, supplying feed and veterinary services and determining the dates for animal placement and pick-up. All of these decisions factor into the generation of manure, including its characteristics and volume. Those integrators and processors exercising management control of facilities fit the definition of owners or operators under the Clean Water Act and must be identified in this fundamental inventory.

Again, we appreciate the opportunity to share our views, and we look forward to participating in the public comment period when this important data collection rule is proposed. We would welcome the opportunity to discuss this issue further. Please feel free to contact either of us at the Pew Environment Group: [jjanovsky@pewtrusts.org](mailto:jjanovsky@pewtrusts.org) or [vsmith@pewtrusts.org](mailto:vsmith@pewtrusts.org).

Sincerely,



Julie Janovsky

Manager, Pew Environment Group, Campaign to Reform Industrial Animal Agriculture