

AMERICAN PUBLIC HEALTH ASSOCIATION CALLS FOR NATIONAL MORATORIUM ON NEW AND EXPANDING CONCENTRATED ANIMAL FEEDING OPERATIONS

ACTION 4: REQUIRING STRENGTHENING CAFO REGULATIONS UNDER THE CLEAN AIR ACT

In light of the wide-ranging negative health and environmental impacts associated with Concentrated Animal Feeding Operations (CAFOs), as well as serious social and environmental justice concerns, the American Public Health Association adopted a new policy resolution. The [Precautionary Moratorium on New and Expanding CAFOs](#) calls for federal, state and local governments, including public health agencies, to impose a national moratorium on new and expanding CAFOs until additional scientific data on the attendant risks to public health have been collected, uncertainties resolved, and 12 action steps outlined in the resolution have been taken. This document is one of a series of briefs concerning the action steps that must be met before the APHA's call for a moratorium will be lifted. This document focuses on Action Step 4, and provides additional information pertinent to this action step.

Action Step 4 requires:

The federal government strengthens CAFO regulation under the Clean Air Act by developing mechanisms to better monitor air emissions and collecting air emissions data to improve understanding of community exposure risks.

Overview of Clean Air Act air requirements: The Clean Air Act requires the Environmental Protection Agency to establish National Ambient Air Quality Standards (NAAQS) for designated Criteria Pollutants and requires states to adopt enforceable plans to achieve those standards.¹ But most Animal Feeding Operation air emissions of concern are not classified as Criteria Pollutants and therefore are not regulated by any federal AFO-specific standards under the Clean Air Act (CAA). AFOs that emit air pollutants in sufficient quantities can trigger CAA permit requirements, but AFOs have not been required to monitor their emissions and EPA

has failed to establish credible emission factors for the industry, leaving these emissions unregulated.

Overview of National Air Emissions Monitoring Study:

In 2005, the EPA, AFO, and integrator representatives reached an agreement — the Air Compliance Agreement — in which the AFO sectors agreed to fund a monitoring study to provide data the EPA would use to develop emission estimating methodologies (EEMs) to determine whether individual AFOs are subject to CAA permit requirements or to hazardous air emissions reporting requirements.² However, this plan was strongly criticized by environmental advocates who contended that the agreement extended too many civil enforcement protections for AFOs, did not protect the monitoring program from industry influence, was negotiated behind closed doors and excluded independent experts. It was expected that the EPA would develop these EEMs by 2009 and AFOs

would have to comply with applicable permitting requirements by 2010, but EPA's Science Advisory

Board criticized EPA's initial draft EEMs soon after they were released and EPA has not since finalized them.

RECOMMENDED POLICY CHANGES

The Environmental Protection Agency should finalize EEMs using all available peer-reviewed data, require AFOs to seek CAA permits if they emit above threshold amounts of pollutants according to the EEMs, and should reverse its rule exempting AFOs from reporting hazardous emissions. The EPA should concurrently conduct systematic planning for future development of a more comprehensive study or model to develop more accurate EEMs. It should develop

this plan through a transparent process with input from expert stakeholders including researchers. This approach would provide a more accurate estimate of pollution created by the entire industry, compared with the Air Compliance Agreement's use of a small sample size of farms to generate data and create a statistical model.

The Johns Hopkins Center for a Livable Future is an interdisciplinary academic center based within the Bloomberg School of Public Health's Department of Environmental Health and Engineering and is a leader in public health research, education, policy and advocacy that is dedicated to building a healthier, more equitable and resilient food system. The opinions expressed herein are our own and do not necessarily reflect the views of The Johns Hopkins University.

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REFERENCES

1. US EPA. Clean Air Act Text. US EPA. <https://www.epa.gov/clean-air-act-overview/clean-air-act-text>. Accessed April 2, 2020.
2. US EPA. National Air Emissions Monitoring Study. US EPA. <https://www.epa.gov/afos-air/national-air-emissions-monitoring-study#afo-compliance-agreement>. Accessed April 2, 2020.