

Samantha K. Dravis  
Regulatory Reform Officer & Associate Administrator  
United States Environmental Protection Agency  
Office of Policy  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

**Re: Docket No. EPA-HQ-OA-2017-0190| Input on regulations that may be appropriate for repeal, replacement, or modification.**

Dear Ms. Dravis:

These comments are submitted by the U. S. Poultry & Egg Association, the National Turkey Federation and the National Chicken Council are submitting the following general comments pursuant to the notice seeking input on regulations that may be appropriate for repeal, replacement or modification pursuant to Executive Order 13777. 82 Fed. Reg. 17793 (Apr. 13, 2017).

### **I. Industry Overview**

The U.S. Poultry & Egg Association (USPOULTRY) is the world's largest poultry organization, whose membership includes producers of broilers, turkeys, ducks, eggs and breeding stock, as well as allied companies. USPOULTRY progressively serves the industry through research, education, communication and technical services.

The National Turkey Federation (NTF) is the national advocate for all segments of the turkey industry. NTF provides services and conducts activities, which increase demand for its members' products by protecting and enhancing their ability to profitably provide wholesome, high quality, nutritious products.

The National Chicken Council (NCC) is a nonprofit member organization representing companies that produce and process over 95 percent of the chickens

marketed in the United States. NCC promotes the production, marketing and consumption of safe, wholesome and nutritious chicken products both domestically and internationally. NCC serves as an advocate on behalf of its members with regard to the development and implementation of federal and state programs and regulations that affect the chicken industry.

## **II. Background**

On February 24, 2017, President Donald Trump issued Executive Order (EO) 13777 on Enforcing the Regulatory Reform Agenda. The EO established the, "policy of the United States to alleviate unnecessary regulatory burdens placed on the American people". The EO required each agency to create a Regulatory Reform Task Force to evaluate existing regulations and to identify regulations that could be repealed, replaced or modified to make them less burdensome. As a result of the EO, on April 11, 2017, EPA announced it is soliciting public comments on its evaluation of existing regulations.

The US poultry and egg industry is committed to acting responsibly to protect the environment and the health of the public. The following comments and recommendations are in no way meant to undermine programs authorized by Congress that aim to protect community health and the environment.

### **Duplication of data submission**

To begin, we recommend that each task force review the numerous reporting regulations for duplication. For instance, data required to be submitted with Discharge Monitoring Reports overlaps with wastewater discharge data that is required under the Toxic Release Inventory Program. Data submission efforts that report the same information create thousands of man-hours for poultry and egg

industry personnel. Coordination between EPA offices to share this information inside the agency would certainly reduce burden on our industry.

### **Waters of the U.S. Rule**

We support the action by the President and the Administrator announcing their intent to withdraw the agency's final 2015 rulemaking and replace it with a rule that is clear in its regulatory scope, avoids federal overreach in exercising the authority of EPA and the U.S. Army Corps of Engineers, and properly balances environmental protection and private property rights. If the EPA feels a rule defining "Waters of the United States" is necessary, we recommend starting over. Unlike the rulemaking process EPA followed when it finalized the current Rule, the EPA should adhere the protocol outlined in the Administrative Procedures Act. Additionally, a new rulemaking process should be based on accurate science and provide the agricultural industry with a meaningful opportunity to participate in the development of the proposed rule.

### **EPCRA/CERCLA Reporting Requirements**

In April of 2017, the District of Columbia Court of Appeals issued a ruling that vacated a full exemption from CERCLA reporting requirements and a partial exemption from EPCRA reporting requirements. The reporting exemption applied only to the low-level emission of ammonia and hydrogen sulfide into the air that results from the natural breakdown of manure on farms that raise animals. The EPA recognized these reports will do little meet the goal of providing them in the first place which is to assist emergency personnel with responding to an emergency. Additionally, the agricultural community is highly skeptical that Congress meant to include the reporting of substances that occur from the natural breakdown of manure. We

recommend that EPA consider developing a rule that relieves farms from the burden caused by their obligation to file these ineffective reports.

We appreciate EPA's request for input on regulations that may be appropriate for repeal, replacement, or modification and we look forward to follow up discussions on these important topics. If you have any questions regarding these comments or would like additional information, please contact Paul Bredwell at [pbredwell@uspoultry.org](mailto:pbredwell@uspoultry.org).

Sincerely,

National Chicken Council

National Turkey Federation

U.S. Poultry & Egg Association