

# Dairy Feed Management

## Dust regulations disappoint producer organizations

From Richard Hegg, National Program Leader, USDA-CSREES (March 16, 2009)

Both the National Pork Producers Council (NPPC) and National Cattlemen's Beef Association (NCBA) have expressed disappointment with a recent federal court ruling that upholds a U.S. Environmental Protection Agency (EPA) decision to regulate dust on farms under the Clean Air Act.

NPPC and NCBA were among organizations that had asked the U.S. Court of Appeals for the District of Columbia Circuit in Washington to review EPA's decision to regulate emissions of coarse particulate matter (PM), or dust, in rural areas. The organizations had argued that while EPA identified problems with coarse PM in urban areas – where it is mostly the by-product of engine combustion – it failed to show any health effects

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## Bay's health still poor after 25 years; 'Bolder' initiatives under way

From the Daily Environment Report by Jeff Day

Continuing state, local, and federal efforts to restore the Chesapeake Bay failed to improve the estuary's poor water quality in 2008, the Chesapeake Bay Program reported March 19.

The report shows that 25 years after the founding of the federal-state program to clean up the bay, which began in 1983, the percentage of dissolved oxygen in its waters is virtually identical to the level in 1985. That key element of bay water quality is at 16 percent of the goal.

All-factors water quality now stands at 21 percent of the level necessary to meet Clean Water Act standards, according to CPB's Bay Barometer on 2008, the new name for the annual report previously called the Chesapeake Bay Health and Restoration Assessment.

### Overall Bay Health at 38 Percent

The new report's bay health barometer, based on the quality of water, habitat, and fish and shellfish conditions, is at 38 percent of goal.

Charles Fox, EPA's senior adviser for the Chesapeake Bay and Anacostia Rivers, told a Washington, D.C., news conference the figures are based on actual monitoring of the bay's condition as opposed to the computer modeling used in prior reports. The new approach is emblematic of President Obama's commitment to transparency, he said.

"The bay remains severely degraded despite the strenuous efforts of local, state, and federal efforts," Cox said, adding that meaningful progress will take time. But, he declared, "no one should doubt that the EPA is back."

Noting the "sobering data" in the Bay Barometer report, CPB director Jeffrey Lape said it shows "the need to take bolder actions and involve a wider network of stakeholders and resources to achieve significant improvements throughout the watershed."

### New Initiatives Expected to Work

Lape and other federal, state, and local officials at the briefing suggested that recent initiatives will achieve real progress in the years ahead. These include:

- establishment of official total maximum daily load (TMDL) levels for nitrogen, phosphorus, and sediment for each of the watershed's major tributaries;
- imposition by states of new point source pollution permits that conform with the TMDLs;
- tougher urban and suburban stormwater permits modeled on MS4 permits now in place in the District of Columbia and Montgomery County, Md.;
- efforts to get states and localities to limit sprawl and protect forests, streams, rivers, and wetlands from development;

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# Bay's health still poor

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- creation of agricultural pollution goals that conform with the TMDLs, with hopes of getting farmers to commit them; and
- tougher pollution limits for combined animal feeding operations.

## Millions More Residents Complicating Work

Bay restoration has been made more difficult by the increasing number of people living in the watershed, now standing at 17 million, double the level in 1950, said Scott Phillips, chairman of the U.S. Geological Survey.

The population trend, expected to bring another 3 million people to the watershed by 2030, will require better sewage treatment and many other environmental achievements if the bay is to recover, including reductions in air pollution from north, west, and south of the watershed, Phillips said.

Global warming is also complicating restoration efforts, CPB chief scientist Rich Batiuk told the briefing. Eel grass, an essential habitat that once blanketed the shallow portions of the bay, can no longer tolerate summer water temperatures in the lower bay, Batiuk said. That will require compensatory habitat restoration in northern portions of the bay, where CBP efforts have had some success restoring eel grass, Batiuk said.

One of the few goals met in the quarter century of CBP's restoration effort is permanent protection of 11,000 square miles of undeveloped land in the watershed. The restoration barometer for 2008 stands at 61 percent.

## Suggestions for Progress

George Hawkins, director of the District of Columbia Department of the Environment, told the briefing that real progress depends on every jurisdiction getting new roads, homes, and buildings sited properly and developed to minimize runoff during and after construction. In addition, he said, areas already built need to be retrofitted to reduce impervious surfaces and make other improvements.

James Edward, recently appointed CBP's deputy director, told BNA that the program is using the recession and lull in construction to persuade developers to adopt green development practices.

The Chesapeake Bay Program and the Surface Transportation Act are up for reauthorization in 2009, noted Ann Swanson, ex-

executive director of the Chesapeake Bay Commission. She hopes that Congress beefs up the environmental protection elements of both laws. She told BNA that a top priority is getting a stormwater control standard into the transportation act.

Swanson also said that the commission, a body made up of state legislators and regulators, has called on President Obama to designate the bay a national treasure, a status that she said would bring a much stronger multi-agency federal focus on the estuary.

Roy Hoagland, the Chesapeake Bay Foundation's vice president for environmental matters, praised the Obama administration's early commitment to the bay. The proof will come if and when EPA takes real enforcement action against entities that pollute the bay, he told BNA.

## AFBF says 'cow tax' bill is timely and critical

*From The PigSite.Com (March 6, 2009)*

Legislation introduced yesterday (5 March 2009) to prevent a 'cow tax' on farmers and ranchers is both "timely and critical," said the American Farm Bureau Federation (AFBF).

In a letter to the bill's sponsors, Sens. John Thune (R-S.D.) and Charles Schumer (D-N.Y.), AFBF commended their bipartisan efforts and said the organization would work with them to ensure that the legislation gains broad support.

The Thune-Schumer bill would prevent the Environmental Protection Agency (EPA) from imposing Title V operating permits on US agriculture operations under the Clean Air Act. Those permits automatically result in mandatory fees.

If EPA were to regulate greenhouse gas emissions (GHGs) under the act, as the agency indicated it was considering last year in an Advance Notice of Proposed Rulemaking, AFBF calculated that it could cost farmers and ranchers \$175 per dairy cow, \$87.50 per beef cow and \$21.87 per hog. The fees were arrived at using publicly available government data.

"The concerns farmers raise are real," said AFBF President Bob Stallman. "They are all the more pressing now as the agency is reportedly looking at potentially regulating greenhouse gases under the Clean Air Act." AFBF brought attention to the potential operating fees last year when EPA's proposed rulemaking was published, along with a statement by the Agriculture Department that it would result in increased regulation of farming operations. The reaction from farmers and ranchers across the country was swift and widespread, leading to the legislators' commitment to work on legislation.

Welcome to this issue of  
*Dairy Feed Management*,  
a monthly publication featuring news  
of interest to certified feed management  
planners. For more about feed  
management issues, visit:

<http://dairyalliance.psu.edu/resources/feed-management-planners/>

# Know your conservation buffers

By Chris Johnson  
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**RIPARIAN FOREST BUFFER** — A riparian forest buffer is an area of trees and shrubs located adjacent to streams, lakes, ponds, and wetlands. Riparian forest buffers of sufficient width intercept sediment, nutrients, pesticides, and other materials in surface runoff and reduce nutrients and other pollutants in shallow subsurface water flow. Woody vegetation in buffers provides food and cover for wildlife, helps keep water temperatures cooler by shading small streams, and slows out-of-bank flood flows. Also, the woody roots increase the resistance of stream banks and shorelines to erosion caused by high water flows or waves.

**FILTER STRIP** — A filter strip is an area of grass or other permanent vegetation used to reduce sediment, organics, nutrients, pesticides, and other contaminants from runoff and to maintain or improve water quality. Filter strips intercept undesirable contaminants from runoff before they enter a water body. They provide a buffer between contaminant sources, such as crop fields, and water bodies, such as streams and ponds. Filter strips slow the velocity of water, allowing the settling out of suspended soil particles, infiltration of runoff and soluble pollutants, adsorption of pollutants on soil and plant surfaces, and uptake of soluble pollutants by plants. The mechanisms of filter strip function can vary according to the characteristics of a pollutant.

**GRASSED WATERWAY** — A grassed waterway is a natural or constructed channel that is shaped or graded to required dimensions and established in suitable vegetation for the stable conveyance of runoff. The primary purposes of a grassed waterway are to convey runoff from terraces, diversions, or other water concentrations without causing erosion or flooding and to improve water quality. The additional benefits of grassed waterways include wildlife habitat, corridors connection, vegetative diversity, non-cultivated strips of vegetation, and improved aesthetics.

**VEGETATIVE BARRIERS** — Vegetative barriers (also referred to as grass hedges) are narrow, parallel strips of stiff, erect, dense grass planted close to the contour. These barriers cross concentrated flow areas at convenient angles for farming. This practice differs from other conservation buffers because vegetative barriers are managed in such a way that any soil berms that develop are not smoothed out during maintenance operations.



*At the Lake Creek riparian test area located next to a turf grass field near Corvallis, Oregon, scientists evaluate grass hedge and tree buffers. Note white pipes used in sampling shallow groundwater in left background. (Photo by Brian Prechtel; Source: USDA/ARS)*

Vegetation can also be used as a buffer to protect soil, crops, animals, and waterbodies from wind. Three common conservation buffers for wind control are cross wind traps, herbaceous wind barriers, and windbreaks. Cross wind traps are plantings resistant to wind erosion and grown perpendicular to the prevailing wind erosion direction.

## Video series shows how new tool can monitor farm profitability

UNIVERSITY PARK, Pa. – Penn State Dairy Extension is offering a new online tool to help dairy producers better manage feed costs during the current economic downturn. The Penn State Income Over Feed Costs Tool, in spreadsheet format, is available online, free of charge, at <http://dairyalliance.psu.edu/resources/income-over-feed-cost-tool>. The website also features a video series that shows the benefits of using the IOFC tool.

The Penn State Dairy Extension Risk Management Team that created the Penn State Income Over Feed Costs (IOFC) Tool to help producers and their nutritionists monitor income over feed costs on a monthly basis.

Dairy producers and nutritionists from across the U.S. recently participated in a free webinar series, called “Managing Feed Costs on Your Dairy,” that demonstrated how using the Penn State IOFC can benefit their operations. Video recordings of this series are now available online at the IOFC website listed above.

# Dust regulations disappoint

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associated with rural dust, which comes mostly from naturally occurring organic materials such as plants, sand and soil.

While recognizing the distinctions between urban and rural PM sources, EPA nonetheless decided to regulate agricultural operations for coarse PM. NPPC points out in a recent news release that a 2002 National Academy of Sciences report found that there were no scientifically credible methods for estimating emissions from animal feeding operations.

The appeals court accepted EPA's decision as "reasonable." In rejecting arguments from livestock organizations, the court adopted the so-called precautionary principle, placing the burden on the livestock industry to prove that its operations are not harming the public or the environment.

Said the court: "In assessing the scientific evidence, the [livestock organizations] have mistakenly equated an absence of certainty about dangerousness with the existence of certainty about safety." Prior to this decision, EPA had the burden of showing there was harm to human health and the environment that needed to be addressed and of explaining why its proposed regulation was necessary to address that harm.

Under the regulations, livestock operations can be treated as stationary air emissions sources and can be required to obtain emissions permits under federal and state laws. As a result, farms could face monitoring for particulate matter such as dust from dirt roads and fields, from cattle movements in feedyards and for chemicals, including ammonia, that can form particulate matter. They also may be subject to Clean Air Act "new source review" requirements any time a modification or improvement is made to their operations.

Tamara Thies, NCBA's chief environmental counsel says, "We are very disappointed with the Court's decision. There is no scientific evidence that agriculture dust causes adverse health effects, and its regulation under the Clean Air Act is completely unjustified." NPPC Environment Committee Chairman Randy Spronk, a pork producer from Edgerton, MN, agrees, stating, "EPA issued the revised air-quality regulations despite acknowledging that it lacks any science to support imposing them on livestock pro-



duction operations, and that apparently was okay with the court. More troubling, the court is requiring that we prove a negative."

Spronk continues, "We still believe that it simply is inappropriate to treat the naturally occurring emissions from an animal agricultural operation in the same manner as emissions from power plants or refineries."

EPA issued the particulate matter rule in 2006, before a two-year emissions monitoring study of animal feeding operations got underway. The study, which is expected to be completed by January 2010, was part of a 2005 agreement between EPA and the livestock industry. Data from the study is to be used by EPA to develop scientifically credible methodologies for estimating emissions from livestock operations and to promulgate new compliance standards and guidelines. More than 2,700 animal feeding operations, including 1,900 pork farms, signed the so-called air consent agreement.

"Applying this new particulate matter standard to agriculture mandates a solution before deciding if a problem exists," Spronk says.

Michael Formica, NPPC's chief environmental counsel, addresses the economic implications, "This is a bad decision that will have a profound and long-lasting impact on the struggling American economy. Farmers, business owners, workers and consumers struggling to put food on the table will be harmed by the court's imprudent decision to use the 'precautionary principle' in determining the need for a particular government regulation."

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