

National Milk Producers Federation

National Milk Producers Federation • 2101 Wilson Blvd., Arlington, VA 22201 • 703-243-6111 FAX 703-841-9328

Agri-Mark, Inc.

Arkansas Dairy Cooperative Association

Associated Milk Producers, Inc.

California Dairies, Inc.

Cass-Clay Creamery, Inc.

Continental Dairy Products, Inc.

Cooperative Milk Producers Assn.

Dairy Farmers of America, Inc.

Dairymen's Marketing Cooperative, Inc.

Dairylea Cooperative Inc.

Ellsworth Cooperative Creamery

Farmers Cooperative Creamery

First District Association

Foremost Farms USA

Just Jersey Cooperative, Inc.

Land O'Lakes, Inc.

Lone Star Milk Producers, Inc.

Manitowoc Milk Producers Coop.

MD & VA Milk Producers Cooperative Association, Inc.

Michigan Milk Producers Assn.

Mid-West Dairymen's Company

Niagara Milk Cooperative, Inc.

Northwest Dairy Association

Prairie Farms Dairy, Inc.

St. Albans Cooperative Creamery, Inc.

Scioto County Co-op Milk Producers' Assn.

Select Milk Producers, Inc.

Southeast Milk, Inc.

Swiss Valley Farms, Co.

Tillamook County Creamery Assn.

United Dairymen of Arizona

Upstate Farms Cooperative Inc.

Zia Milk Producers

March 2, 2005

Docket ID No. OAR-2004-0237
Environmental Protection Agency
Air Docket, Mail code: 6102T
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Docket ID No. OAR-2004-0237
Animal Feeding Operations
Consent Agreement and Final
Order

To whom it may concern,

The following comments are being submitted on behalf of the National Milk Producers Federation (NMPF) to the Environmental Protection Agency's (EPA's) Request for Comments; Animal Feeding Operations Consent Agreement and Final Order (Docket ID Number OAR-2004-0237).

The NMPF, based in Arlington, VA, develops and carries out policies that advance the well-being of U.S. dairy producers and the cooperatives they collectively own. The members of NMPF's 33 cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of nearly 50,000 dairy producers on Capitol Hill and with government agencies. The Consent Agreement, monitoring study, and subsequent regulations have the potential to impact dairy producers across the U.S. Therefore, any information obtained must accurately reflect U.S. dairy industry practices.

NMPF acknowledges the need to address the issue of air emissions from livestock operations and is encouraged by the efforts of EPA to work with the dairy industry to obtain accurate air emission data. The dairy industry also recognizes the need to comply with relevant Clean Air Act regulations. While the dairy industry greatly appreciates the efforts made by EPA to develop this Agreement, NMPF believes this current approach may not be the most effective way to address emissions from dairy Animal Feeding Operations (AFOs).

Jerry Kozak, President/Chief Executive Officer

Charles Beckendorf, Chairman

www.nmpf.org

The dairy industry has a very different structure from other livestock industries in that it is not vertically integrated compared to the poultry or swine industries. In addition to this, the dairy check-off program was established differently than other commodity check-off programs. The dairy check-off program was established to fund product research and to promote dairy products. As such, it may not be used to fund production oriented research at the farm level. Because of this, the dairy industry does not have a central funding mechanism to provide the necessary funds for the monitoring study. If individual dairy producers sign up to participate in the Agreement, they would be required to fund the monitoring study with their own funds, which many producers are either reluctant or unable to do.

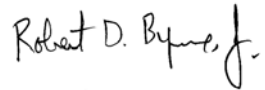
Another concern of dairy producers relates to the scope of the two-year monitoring study. The monitoring protocol indicates that four dairy farms from the Midwest, Northeast, West, and South will be selected for the study. Dairy producers are concerned that by measuring only four farms across the country, the data will not accurately reflect the climatic and geographic differences that can impact emission factors. While we understand that it is not feasible to measure emissions from every type of dairy operation, dairy producers would like to explore the possibility of collecting data from more than just the suggested four farms in four regions.

The goals of the study are to (1) collect data and aggregate it with appropriate existing emissions data, (2) analyze the monitoring results, and (3) create tools that AFOs could use to determine whether they emit pollutants at levels that require permits or notifications. NMPF agrees that emissions monitoring needs to occur at a representative sample of animal housing structures and manure storage and treatment units across the country. However, if such a small sample of the dairy industry is chosen, NMPF feels that at the end of the monitoring study the data from the monitoring study may not lead to the development of useful emissions estimating methods.

Because of the concerns expressed above, we are asking that EPA consider a modified approach for the dairy industry. The dairy industry is attempting to gather emissions data on a more regional basis that will reflect climatic and geographical differences so that it will be more applicable to the industry as a whole. As such, more time is necessary to determine the number of regional emission studies that should be conducted, where they should be conducted, and how to fund those studies. NMPF would like the opportunity to work with EPA on the best means to provide sufficient data to get a valid sample that is representative of the vast majority of dairy AFOs. To accomplish this, the dairy industry requests an extension of the voluntary sign-up period for at least an additional 90 days. This extension is crucial for developing an appropriate approach for the dairy industry. Our approach will include determining funding mechanisms, educating dairy producers, and determining dairy producer participation.

NMPF appreciates the opportunity to provide comments to this important Agreement. Please let us know if we can provide additional information or clarification of our comments.

Sincerely,

A handwritten signature in black ink that reads "Robert D. Byrne, Jr." with a stylized flourish at the end.

Robert D. Byrne, Ph.D.
Vice President, Scientific and Regulatory Affairs