

The EPA Air Consent Agreement Sign-up Process¹

The Animal Feeding Operations Air Quality Consent Agreement deadline is July 1, 2005. After making a decision to sign-up for the consent agreement, the process for signing up is relatively straightforward. First a determination will need to be made about how you will sign up your operation, as one farm or more than one farm. Interested producers should follow these steps to make sure that their signed consent agreements are received in a timely fashion.

1. Obtain and read a copy of the consent agreement.
A copy of the consent agreement can be downloaded from:
<http://www.IowaFarmBureau.com>
<http://www.epa.gov/compliance/resources/agreements/caa/cafo-agr-050121.pdf>
2. Fill in the blanks and sign the Agreement.
 - a. The words “[Participating Company]” must be replaced by your farm’s name² in paragraphs 1, 2, 19, 44, and 46. Cross out or use white-out to replace the listed terms with your business name.
 - b. Sign the agreement in paragraph 46 of the document, where the “Respondent’s” signature is required.
 - c. One copy of Attachment A of the consent agreement for each “farm” being put into the consent agreement must also be included. If downloaded from Iowa Farm Bureau’s website, Attachment A to be completed electronically instead of filling out the form by hand. Simply click on the appropriate line and type in the requested information. Print the completed form.
 - d. **Write the words “Confidential Business Information” on the top of each copy of Attachment A submitted.**
3. Send the consent agreement to EPA without payment through the post office. The signed agreement must be mailed through the **United States Postal Service** to:
Special Litigation and Projects Division (2248A)
Attn: Air Compliance Agreements
Office of Regulatory Enforcement and Compliance Assurance
United States E.P.A.
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

¹ *Disclaimer:* The decision about whether to participate in the EPA Air Emission Consent Agreement is a personal decision for your specific farming operation. Ultimately, individual legal, financial and personal circumstances and experience should dictate whether a producer or operation chooses to participate in agreement. Anyone considering the agreement is strongly advised to discuss their potential participation with a trusted attorney who understands the circumstance of that operation or producer. This information is not intended to replace the advice of your personal attorney and does not create an attorney client relationship.

² It is not clear how the EPA will choose to use the term “farm.” A “farm” is defined in paragraph 14 of the agreement as “the production area(s) of an animal feeding operation, adjacent and under common ownership, where animals are confined, including animal lots, houses or barns; and Agricultural Waste handling and storage facilities. Farm does not include land application sites for animal waste. This definition is limited exclusively to this agreement and establishes no precedent for the interpretation of any statute, regulation or guidance.”

Do not send any money with your signed agreement.

4. Receive your agreement from EPA, signed by both you and EPA.

If your consent agreement is accepted by EPA, it will be sent back to you with their signature under yours in paragraph 46. There is a chance that EPA will not accept your agreement. EPA may not sign the agreement if EPA determines there is inadequate funding for the air monitoring study or if EPA determines that there is inadequate representation of eligible animal groups and types of farms, facilities or emission units. EPA has provided little guidance on how it will make these determinations. EPA may provide more guidance on their web site the first part of June. If an insufficient number of farmers or livestock owners in a category participate, the study will not occur, the consent agreement will not be binding, and you will not owe a penalty fee to the EPA.

5. Send the penalty check after EPA returns your signed agreement.

If the EPA returns your agreement with their signature, you will have to send a certified check or money order to:

United States E.P.A.
(Washington, D.C. Hearing Clerk)
P.O. Box 360277
Pittsburgh, PA 15251-6277

The amount of that check or money order will depend on the size of your operation. Producers with one operation less than 1000 animal units must pay \$200. Producers with more than one farm or with one farm larger than 1000 animal units must pay \$500 per farm. Farms larger than 10,000 animal units must pay \$1000 per farm.

In addition, a research fee of up to \$2500 must be paid for each farm by the participants to the agreement. The National Pork Board has set aside \$6 million to cover the research fee for pork producers. American Egg Board has set aside \$2.8 million to cover the research fee for egg producers. Dairy, broiler and turkey producers at this time are responsible for paying their own research fee.