



## **NAEMS, EEMs, and ACA Background Information**

During 2005-2006, approximately 2,600 animal operations, managing about 14,000 farms, signed Air Consent Agreements (ACA) with U.S. Environmental Protection Agency (EPA). Approximately 200-layer operations participated, involving several hundred egg laying facilities. The ACAs protect the enrolled facilities from any enforcement actions under federal air emissions regulatory programs until 120 days after Emissions Estimation Methodologies (EEMs) are created from representative monitoring data.

Under separate negotiations, animal agriculture agreed to fund the National Air Emissions Monitoring Study (NAEMS) and provided almost \$15 million for that research, essentially all of that coming from check-off funds. Almost \$3 million in egg producer funds were used to monitor emissions at three egg laying facilities (North Carolina, Iowa and California). The NAEMS data was collected, under science and quality assurance protocols approved by EPA, from late 2007 until early 2010, when the final data was submitted to EPA. The EPA struggled to finalize EEMs from the data due to objections raised by certain members of the Science Advisory Board (SAB) convened to review this work. Many of those objections reflected serious misunderstandings about the nature of NAEMS and its purpose.

The EPA failed to effectively address those objections. While the process was delayed, EPA was sued for its 2008 rule that excluded all animal operations from the Comprehensive Environmental Response and Liability Act (CERCLA) reporting and all but large Concentrated Animal Feeding Operation (CAFOs) from Emergency Planning and Community Right-to-Know Act (EPCRA) reporting. EPA budget cuts, staff retirements, the SAB objections and the lawsuit effectively halted the EEM process until late 2017. The EPA received an Inspector General report that said the EPA had an obligation to finish the EEMs or end the protections afforded by the ACAs. EPA agreed to complete the EEMs, which is currently underway.

The genesis of this entire effort dates back 20 years, to 1998, when EPA was engaged in a civil enforcement action under CERCLA. This was against a large meat bird integrator who failed to report under EPCRA. Animal agriculture objected to this enforcement action for several reasons. EPA policy officials accepted that there were legitimate concerns: the agency never provided sufficient science and guidance regarding air emissions reporting from animal operations to support the sound application of federal air quality regulatory programs. This view was confirmed in a 2002 report from the National Academy of Sciences which recommended long-term studies be undertaken to accurately characterize livestock operations and the effects of climate, different manure management methods, diet, mitigation techniques, and other variables on their emissions. Several years of subsequent negotiations resulted in the ACAs and the NAEMS.