



United Egg Producers

UEP Headquarters
1720 Windward Concourse, Suite 230, Alpharetta, Georgia 30005
(770) 360-9220 · FAX (770) 360-7058



June 3, 2009

Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mail Code 6102T
1200 Pennsylvania Ave., NW.
Washington, DC 20460,

EMAIL: a-and-r-Docket@epa.gov

Attention: Docket ID No. EPA-HQ-OAR-2008-0508

Re: Comments of the National Milk Producers Federation on EPA's Proposed Rule on Mandatory Reporting of Greenhouse Gases

Dear Administrator Jackson:

Please see below the responses of the United Egg Producers ("UEP") to EPA's request for comments on the Agency's proposed rulemaking on mandatory greenhouse gas (GHG) reporting. We welcome this opportunity as UEP fully agrees that sound and accurate information and data are needed to guide policy making in this arena. While we do not find the proposed GHG registry as it relates to manure management to be helpful in this regard, we believe there are other solid means not only readily available but fully in use by the Agency to generate the desired information about GHG emissions from manure. UEP therefore recommends that the Agency not retain in the final bill a requirement that GHG emissions from manure management to be reported.

Background on UEP and Interest in this Rulemaking

UEP is a farmer cooperative representing about 97 percent of egg operations nationwide. Our industry is important to national, state, and local economies, supplying more than 300 eggs per year to each of the nation's 300 million residents in 2007. Most of our producer members own their flocks and do not make contractual arrangements with others for production responsibilities, as is the practice in other sectors of the poultry industry. Most egg production operations are integrated from the point of production through the final marketing of the eggs.

UEP producer members take very seriously the need to protect air quality, and they are committed to high levels of environmental stewardship and management. UEP is a founding member of the Agricultural Air Research Council, and are actively involved in the oversight and implementation of the National Air Emissions Monitoring Study ("NAEMS"). This air research has been required as part of the Agency's Air Consent Agreement, in which there are more than 300 egg laying producing sites participating. Three egg laying operations are being monitored under NAEMS.

UEP is also actively involved in major efforts to develop and demonstrate economical and effective on-farm practices for the reduction of air emissions from our operations. We are managing a USDA Natural Resources Conservation Service under their Conservation Innovations Grant ("CIG") program to demonstrate to egg producers the major reductions in ammonia emissions that are possible through the manipulation of the diet fed to our laying hens.

Egg producers are proud of their ability to produce an abundant supply of high quality eggs at affordable prices, as high a quality of animal protein available, and able to do so with a limited environmental footprint. Our manure is stored in enclosed spaces, kept out of contact with rainfall and storm water, and then recycled for crop production under agronomic systems, saving energy relative to commercial fertilizer use. The GHG emissions from egg laying hen manure is quite small and along with our counterparts in the rest of animal agriculture, we hold our emissions more or less constant even while we dramatically increase egg production. Animal agriculture's GHG emissions from 1990 to 2005 have remained nearly constant, increasing by only about 3.5% since 1990, while over the same period egg production has increased about 33% (total US meat production has increased 40%, and milk production has increased almost 16%).¹

Egg producers offer the following comments on this proposed rule from the perspective and commitment that has made this strong record of environmental performance possible.

Individual Farm Emissions Reporting Yields No New or Helpful Data

The arguments cited in the preamble in support of the selected GHG reporting requirements, and the applicable facts concerning measuring and reporting GHG emissions from manure, indicate to UEP that there is no justification for requiring egg and other animal agriculture facilities to report their GHG emissions as part of this particular program. Instead, the annual EPA inventory, along with the data sets that will come from the eventual cap and trade program, are more than adequate for supporting federal GHG emissions control policy.

The proposed rule preamble states that the GHG reporting rule provisions would help “to improve the development of future national inventories for particular source categories or sectors by advancing the understanding of emission processes and monitoring methodologies.” (See 74 Fed. Reg 68, page 16455). We do not agree with this reasoning. There does not yet exist reasonably priced, accurate emissions monitoring techniques that are practical to use regularly on the farm. The available methods are prohibitively expensive for any operation to carry out on their own. As such, the only practical way for a producer to comply with this reporting requirement would be to use standard estimates of emission factors, apply them to their farms' manure, and report those results. There is no new information in such a report that is not already generated in the EPA inventory, and these efforts will not improve or enhance the inventory relative to the current state of the art in any way.

As a result, facility level GHG emissions data from egg operations would not improve the accuracy of the inventory, would not confirm in any meaningful way the national statistics and emission estimation methodologies used to develop it, and would not help in the development of baselines. No shortcomings of the methods used to generate the national statistics would be made apparent, and nor would any needed adjustments be identified. The GHG registry would simply add significant cost to the covered facilities without adding anything to the federal base of knowledge or GHG policy.

UEP strongly concurs in EPA's finding that the proposed rule's mandatory reporting requirements should not be applied to agricultural soils management. But we find that the arguments used to support this decision also strongly suggest that manure management should be similarly treated. (See the preamble discussion on page 14667). As noted in the preamble:

“For these (agricultural soil management) sources, currently, there are no direct greenhouse gas emission measurement methods available except for research methods that are

¹ US Department of Agriculture (USDA), 2007. “U.S. Agriculture and Forestry Greenhouse Gas Inventory: 1990-2005.” USDA. Washington, DC. See Table 1-2, Page 5.

prohibitively expensive and require sophisticated equipment. Instead, limited modeling-based methods have been developed for voluntary GHG reporting protocols which use general emission factors, and large-scale models have been developed to produce comprehensive national-level emissions estimates, such as those reported in the U.S. GHG inventory report. To calculate emissions using emission factor or carbon stock change approaches, it would be necessary for landowners to report on management practices, and a variety of data inputs. Activity data collection and emission factor development necessary for emissions calculations at the scale of individual reporters can be complex and costly.”

Everything said here is equally applicable to manure management. The preamble goes on to say that:

“Without reasonably accurate facility level emissions factors and the ability to accurately measure all facility-level calculation variables at a reasonable cost to reporters, facility-level emissions reporting would not improve our knowledge of GHG emissions relative to national or regional-level emissions models and data available from national databases. While a systematic measurement program of these sources could improve understanding of the environmental factors and management practices that influence emissions, this type of measurement program is technically difficult and expensive to implement, and would be better accomplished through an empirical research program that establishes and maintains rigorous measurements over time.”

UEP finds that these arguments relative to agricultural soils management correct. We also find them fully applicable to emissions from manure management. It is for these reasons that UEP recommends that the Agency not include GHG emissions from manure management under the mandatory reporting requirements. The current inventory estimation techniques represent the best science in use today. The inventory does the best job possible to help formulate climate change policy by assessing how an industry like agriculture would be affected. The proposed set of required measures for individual farmers to meet the GHG reporting requirements will simply be costly paperwork that adds no value for anyone. We strongly urge EPA to not include manure management under the mandatory reporting requirements.

The UEP appreciates this opportunity to provide you with these comments.

Sincerely,



Chad Gregory
Senior Vice President
United Egg Producers