

MANATEE LIVESTOCKER

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May - June 2001

Calendar Of Events

June

19-22	Cattlemen's Annual Convention - Marco Island
19-21	Natural Resources Forum: Watershed Science, Policy, Planning and Management - Can we make it work in Florida? Call 352-392-5930
27-29	UF-IFAS Florida First Statewide Input Meeting at Lake Buena Vista

July

12-14	Senepol Cattle Breeders Association Annual National Convention at Kissimmee
14	Senepol Cattle Breeders Association Nation Sale at Kissimmee

August

7	Polk County Cattlemen's Association Calf Sale at Lakeland
25	Florida Angus Futurity Sale at NFREC - Marianna Beef Unit, Greenwood

September

11	Florida Limousin Association Show & Sale, Fair Grounds at Lake City
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Proposed EPA Regulations to Address CAFOs

Proposed EPA Regulations to Address Water Pollution from Concentrated Animal Feeding Operations (CAFOs) The time window to comment on EPA's proposed regulations for animal feeding operations closes July 30, 2001, and the clock is ticking. If you haven't considered what impact the new rules could have on your operation, now is the time to do so.

At heart of the rule are concentrated animal feeding operations - what defines one and what happens to the manure it produces. Currently, there are approximately 2,500 concentrated animal operations among beef, pork and poultry producers. Depending on the plan EPA adopts - a two-tiered or three-tiered approach - EPA estimates that number could be as high as 39,000 CAFOs. What isn't clear under this regulation is how it applies to cow/calf operations. However, there are other ways to slip into the net.

Although local rules already protect the water supply in 43 states, EPA wants to replace them with a one-size-fits-all approach. The EPA estimates annual compliance cost to the livestock industry will be \$850 to \$940 million.

In the current form of the proposed rule, if you own or manage a concentrated animal feeding operation (CAFO), in most cases you will need to obtain a National Pollutant Discharge Elimination System (NPDES) permit. The permit will apply to your animal confinement areas (pens, alleys, etc.), as well as feed, silage, hay and manure storage areas, and any land you own or control upon which you apply manure or stormwater. If you apply lagoon water or manure on a neighboring farmer's field or pasture, his land would be included in your permit. All solid and liquid waste management would be controlled by a site-specific Permit Nutrient Plan (PNP), which would be required as part of the NPDES permit, and must be developed or approved by a certified specialist. Once a PNP is written, the CAFO must be made available for review by state and EPA officials.

If you own a CAFO, you may have to ensure in writing that anyone taking more than 12 tons of manure offsite is handling and applying it responsibly. The person(s) taking the manure would, in turn, be required to develop and follow nutrient management plans for fields upon which manure was applied. People utilizing manure would need to track when, where, and how much manure was applied and where it came from. Periodic soil sampling would be required to document that manure was not over-applied. Since no such restrictions are proposed for commercial fertilizer, many farmers may simply choose to stop using manure to avoid the liability and hassle.

Florida cow/calf producers who retain ownership of their calves could be potentially held equally liable for any violations in the feeding phase based on the co-permitting language in the proposed changes. Under the co-permitting provision of the regulation, producers who retain ownership of their calves and all others who hold ownership interest in cattle on feed could find their names included on the feedlot's CAFO permit, and they would be jointly liable for any permit infractions made by the feedlot. Consider the implications of this for a moment. If you own cattle in a feedlot, you and all the other owners could be held accountable for any environmental violations the feedlot is cited for. The pen owner list at the average feedlot changes frequently. So, if a feedlot received a violation, how far back in the ownership records could EPA search in their quest for jointly liable parties? There is no way to know because the proposed rule does not discuss this issue.

At the same time, CAFOs that "exercise substantial operational control" over their suppliers would be jointly responsible for their supplier's environmental activities. In other words, CAFOs that provide instructions to ranchers, stockers or backgrounders about how they want feeder cattle or dairy heifers prepared (grown, fed

or medicated) prior to entering the CAFO would potentially be liable for any environmental pollution caused by those suppliers.

EPA wrote the co-permitting language with the vertically integrated pork and poultry industries in mind. But, in its current form, the regulation would apply to the beef and dairy industries as well.

EPA plans to take final action on these regulations by December 15, 2002 (published approximately by January 2003).

For newly defined CAFOs, permits will not be required until 3 years after the final regulations are published (January 2006).

Once the proposed regulations are final, the new requirements will be in effect immediately for new or reissued permits.

The proposed rule can be viewed at the EPA web site: <http://www.epa.gov/owm/afos/rule.htm>

Comments may be submitted electronically to: CAFOs.comments@epa.gov or mailed to:

CAFO Proposed Rule
Office of Water, Engineering and Analysis Division (4303)
U.S. EPA
1200 Pennsylvania Avenue, NW.
Washington, DC 20460

Additional information and some materials can be obtained from the: National Cattlemen, Volume 16, Number 3, April-May, 2000 issue.

The above article was written by James Stice, Pasco County Extension Agent, and published by South Florida Beef - Forage Program as "Article of the Month"

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