

September 8, 2022

The Honorable Tom Carper
Chairman
Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito,

On behalf of the 84 undersigned organizations and our millions of members, we write to you in **opposition** to **S.1475, the Livestock Regulatory Protection Act**. This bill sets a dangerous precedent by preemptively tying EPA's hands to prevent the agency from following science and considering policies to address a significant pollution source: the industrial livestock sector.

Specifically, S.1475 would codify in the Clean Air Act language very similar to what is now a funding limitation in appropriations (rider) that prevents EPA from issuing permits under Title V of the Clean Air Act to livestock operations for several greenhouse gases and other pollutants,ⁱ effectively creating an exemption to key parts of the Act. Passing S.1475 would make it even harder for Congress to revisit the flawed wisdom of that annual exemption.

The Clean Air Act is a bedrock environmental protection law that has substantially reduced air pollution and improved air quality since its enactment in 1970.ⁱⁱ It has also been one of EPA's only and most effective tools for mitigating greenhouse gas emissions.ⁱⁱⁱ Were this legislation to pass, industrial livestock would be the first major polluting industry completely exempted from a major component of the Act, setting a dangerous precedent.

The food system, largely driven by industrial livestock operations, is responsible for far more U.S. greenhouse gas emissions than most people realize - about the same as the electricity or transportation sectors.^{iv} The U.S. simply cannot achieve its climate change mitigation or clean air goals without addressing agriculture. In addition, animal agriculture is the largest source of methane emissions in the U.S., according to the EPA.^v Most troubling, agriculture's greenhouse gas emissions have continued to rise while emissions from other sectors have decreased.^{vi} Hamstringing EPA from addressing emissions from this sector is the exact opposite of what the U.S. should be doing in the narrow window we have left to avert the worst impacts of climate change.

We recognize the critical role that independent family farmers play in our economy and food system. However, exempting an entire livestock industry that is dominated by a handful of multinational

corporations would be misguided. These giant agribusinesses are among the world's largest emitters. For example, JBS, the world's largest livestock corporation with substantial U.S.-based operations, is responsible for more emissions than the whole of Italy.^{vii} If JBS, Smithfield, and Tyson can amend the Clean Air Act to exempt themselves from key parts of it, what prevents Exxon, Shell, and BP from doing the same? This proposed legislation would set dangerous precedent by shielding major corporations from their responsibility to address their climate impacts.

While there is no evidence that indicates EPA intends to issue permits for livestock operations' greenhouse gas emissions under Title V of the Clean Air Act, any such action would be subject to rulemaking and the process for public input that rulemaking entails. The livestock industry, farmers, and all other stakeholders should have the same opportunity to weigh in on any proposed regulations through this process that is already set up to consider the public good, economic feasibility, and the relevant science.

At this critical moment in the effort to mitigate climate change, we must not further restrict EPA's ability to meet the important goals of the Clean Air Act. Please oppose S.1475.

Sincerely,

350 Seattle
50by40
American Grassfed Association
American Society for the Prevention of Cruelty to Animals (ASPCA)
Animal Legal Defense Fund
Apex Advocacy
Beyond Pesticides
Black VegFest
Brighter Green
Campaign for Family Farms and the Environment
The Carbon Underground
Cedar Lane Environmental Justice Ministry
Center for Biological Diversity
Center for Food Safety
Chilis on Wheels
Church Women United in New York State
Climate Crisis Policy
Climate Justice Alliance
CRLA Foundation
The Earth Bill Network
Earth Ethics, Inc.
Earthjustice
Endangered Species Coalition
Environmental Working Group

Environmental Justice Community Action Network
Extinction Rebellion San Francisco Bay Area
Extinction Rebellion US
Factory Farming Awareness Coalition
Fair Start Movement - fairstartmovement.org
Farm Action Fund
Farm Aid
Farm Forward
Farm Sanctuary
Farmworker Association of Florida
Food Animal Concerns Trust
Food & Water Watch
Friends of the Earth
GMO/Toxin Free USA
Green REV Institute
Green State Solutions
Greenbelt Climate Action Network
Hazon
Health Care Without Harm
Humane Society Legislative Fund
Humane Society of the U.S.
Institute for Agriculture and Trade Policy
Interfaith EarthKeepers
Iowa Citizens for Community Improvement
Johns Hopkins Center for a Livable Future

League of Conservation Voters
Locust Point Community Garden
Los Jardines Institute
Mangrove Action Project
Mid-Missouri Peaceworks
Milwaukee Riverkeeper
National Family Farm Coalition
National Sustainable Agriculture Coalition
National Young Farmers Coalition
North Carolina Environmental Justice Network
New Yorkers for Clean, Livable, and Safe Streets (NYCLASS)
North Carolina Clinicians for Climate Action
People for a Healthy Environment
Pesticide Action Network
Plant Based Foods Institute
Pure Strategies, Inc.
Rachel Carson Council
The Raven Corps

Resource Renewal Institute
Rhode Island Food Policy Council
River Guardian Foundation
Santa Cruz Climate Action Network
SEED: Strategies for Ethical and Environmental Development
Sierra Club
Seneca Lake Guardian
Sisters of Charity Federation
Sisters of St. Dominic of Blauvelt, New York
Socially Responsible Agriculture Project
Stray Dog Institute
Until Justice Data Partners
The Uplift Collective
Waterkeeper Alliance
Waterway Advocates
Westbury UFSD
Women, Food and Agriculture Network (WFAN)

ⁱ The bill refers to “carbon dioxide, nitrogen oxide, water vapor and methane.” While water vapor has a climate impact, there has been no suggestion of regulating it as a greenhouse gas. Nitrogen oxides (NOx) are local pollutants with immediate health harms.

ⁱⁱ EPA. “Clean Air Act Requirements and History.” Accessed at <https://www.epa.gov/clean-air-act-overview/clean-air-act-requirements-and-history>

ⁱⁱⁱ Columbia Law School. “Clean Air Act.” Accessed at <https://climate.law.columbia.edu/content/clean-air-act>

^{iv} See Earthjustice, Animal Agriculture’s Contributions to Climate Change, <https://storymaps.arcgis.com/stories/a9c55eb4fcd44004ac30206bfe4df528>; see also Peter H. Lehner & Nathan A. Rosenberg, Farming for our Future: The Science, Law, and Policy of ClimateNeutral Agriculture (2021) ; see also Monica Crippa et al., Food Systems Are Responsible for A Third of Global Anthropogenic GHG Emissions, 2 Nature Food 198 (2021); Sonja J. Vermeulen et al., Climate Change and Food Systems. Annual Review of Environment and Resources, 37 Ann. Rev. Env’t & Res. 195 (2012)

^v EPA, Overview of Greenhouse Gas Emissions: Methane. (2020). Accessed at <https://www.epa.gov/ghgemissions/overview-greenhouse-gases#methane>

^{vi} EPA (2022) Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2020. U.S. Environmental Protection Agency, EPA 430-R-22-003. <https://www.epa.gov/ghgemissions/draft-inventory-us-greenhouse-gas-emissionsand-sinks-1990-2020>

^{vii} Christina O’Sullivan. “World’s Largest Meat Company JBS Increases Emissions by 51%. Feedback Global. (April 2022). <https://feedbackglobal.org/worlds-largest-meat-company-jbs-increases-emissions-by-51/>