



**R-CALF USA**

PO Box 30715

Billings, MT 59107

Phone: 406-252-2516

Fax: 406-252-3176

Email: [r-calfusa@r-calfusa.com](mailto:r-calfusa@r-calfusa.com)

[www.r-calfusa.com](http://www.r-calfusa.com)

February 15, 2024

Environmental Protection Agency  
EPA Docket Center, EPA–HQ–OLEM–2023–0142  
Docket  
Mail Code 28221T  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Sent via [regulations.gov](https://www.regulations.gov)

**Re: R-CALF USA’s Comments in Docket ID No. EPA–HQ– OLEM–2023–0142: Potential Future Regulation for Emergency Release Notification Requirements for Animal Waste Air Emissions Under the Emergency Planning and Community Right-to-Know Act (EPCRA), Advance Notice of Proposed Rulemaking (ANPRM).**

Dear Sir or Madam:

The Ranchers Cattlemen Action Legal Fund United Stockgrowers of America (R-CALF USA) appreciates this opportunity to comment to the Environmental Protection Agency (EPA) regarding the above captioned Advance Notice of Proposed Rulemaking (ANPRM): *Potential Future Regulation for Emergency Release Notification Requirements for Animal Waste Air Emissions Under the Emergency Planning and Community Right-to-Know Act (EPCRA)*, available at 88 Fed. Reg., 80,222-237 (November 17, 2023).

R-CALF USA is the largest trade association that exclusively represents United States cattle farmers and ranchers within the multi-segmented beef supply chain. Its thousands of members reside in 44 states and include cow-calf operators, cattle backgrounders and stockers, and feedlot owners. R-CALF USA also represents U.S. sheep producers.

Below, R-CALF USA will provide comments regarding grazing operations, small farms, and the regulatory definition of small, medium, and large CAFOs.

1. Grazing Operations

R-CALF USA strongly believes that grazing operations should be exempt from any animal waste reporting requirements EPA may be considering under EPCRA. However, because grazing operations often contain structures for purposes of corralling livestock for vaccination, sorting, weaning, and shipping – though the livestock spend the vast majority of their time grazing; and because grazing operations often contain buildings to protect livestock from the elements primarily during calving and lambing seasons, the EPA’s definition of “facility” should be amended to specifically exempt such structures and buildings that are located on grazing operations but used only periodically and/or seasonally.

So too should structures commonplace on primarily grazing operations that are used seasonally to background younger calves or lambs, or winter-feed cows, bulls, ewes, and rams when the manure within such structures, if removed, is transferred to the pastures and cropland of the grazing operation and used as a natural substitute for commercial fertilizer.

Described above are typical practices of U.S. family-scale grazing operations whose grazing of livestock, as well as their substitution of commercial fertilizers with natural manure, are sustainable practices that rejuvenate soils and the grass and crops nourished by them. But these family-scale grazing operations are being destroyed at an alarming rate due to prolonged lack of profitability resulting from the combination of meatpacker concentration (which subjects livestock producers to abusive market power) and globalization (which allows concentrated meatpackers to source cheaper cattle, beef, lamb, and mutton from around the world with the effect of displacing domestic production). Chart 1 illustrates the alarming exodus of U.S. beef cattle farmers and ranchers, and Chart 2 the alarming exodus of U.S. sheep producers with a flock size of at least 100 head. Any cost burden arising from any new EPA regulation imposed on cattle and sheep operations will serve only to accelerate the already unacceptable exodus of family-scale cattle and sheep operations. This will soon lead to the centralization of the beef and lamb supply chains and facilitate the proliferation of larger-scale animal confinement operations, both of which will further tax the environment and threaten our nation’s food security.

Chart 1

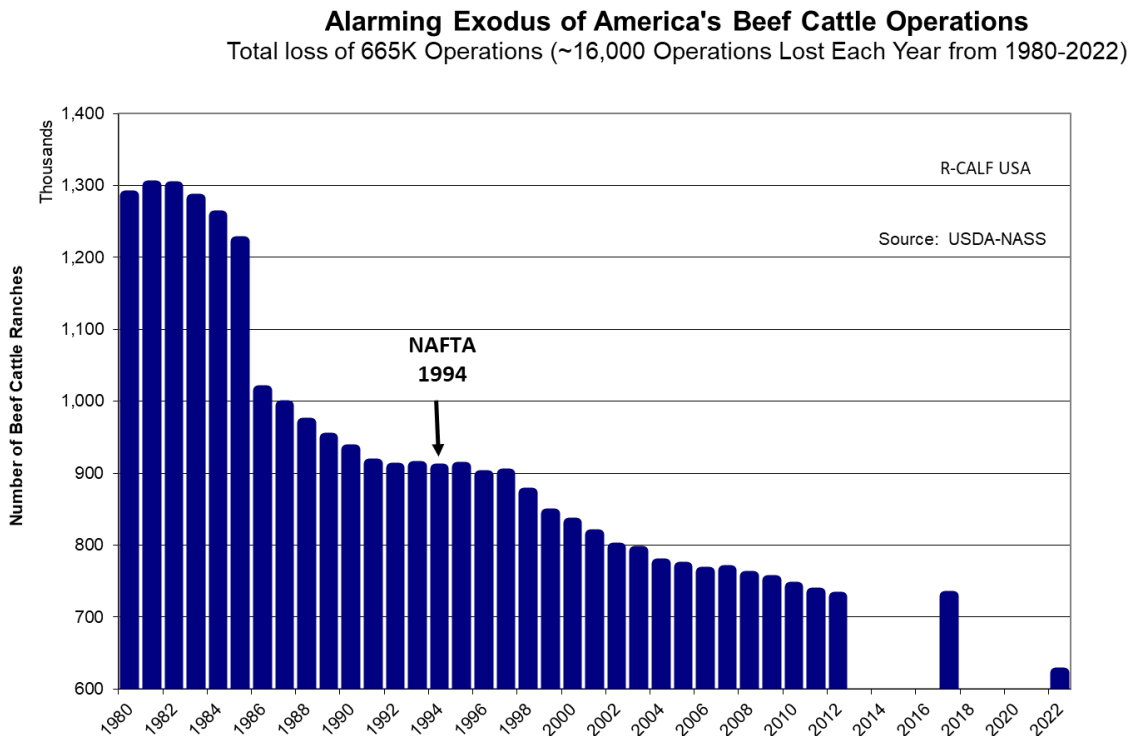
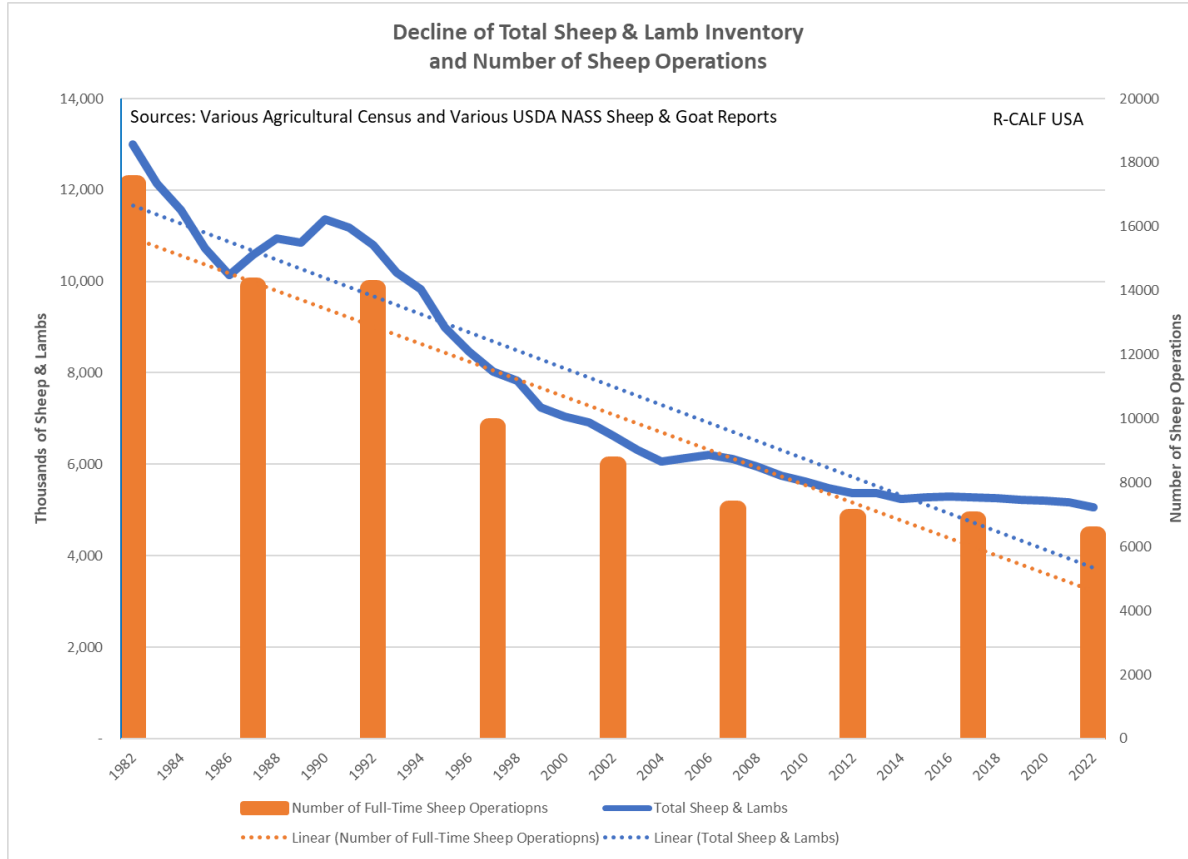


Chart 2



Subjecting the remaining family-scale cattle and sheep producers to an additional regulatory burden as potentially contemplated by the EPA will countervail EPA’s efforts to protect the environment as these operations are already environmentally balanced. Therefore, any additional regulatory burden would serve only to accelerate the loss of these producers, who will then be replaced by larger-scale, industrial-type operations where livestock would be produced in much more concentrated settings that will prove taxing to the environment.

The EPA needs only to review how the U.S. hog industry was transformed from its decentralized and environmentally balanced state in 1980 to the highly concentrated, industrial model it is today due to national policies that burdened hog farmers with increasing costs while failing to provide them a competitive marketplace from which to recoup those costs. In 1980, the U.S. hog industry was comprised of nearly 675,000 widely dispersed hog farms<sup>1</sup> from which animal waste was widely dispersed over large geographical areas to rejuvenate soil health. But hog farmers were caught in a prolonged economic cost-price squeeze that forced 90% of them out of business. Today there are only 61,000 hog producers remaining in the U.S.<sup>2</sup> and because of their large-scale, concentrated, and consolidated nature, today’s hog industry now presents a sizable challenge to the EPA’s goals.

<sup>1</sup> Hogs and Pigs: Number of Operations with Hogs, Inventory, Value per Head, and Total Value, December 1, 1979-1980, Hogs and Pigs, December 1980, Crop Reporting Board, ESS, USDA, at 20, available at [HogsPigs-12-23-1980.pdf \(cornell.edu\)](https://nass.usda.gov/HogsPigs-12-23-1980.pdf).

<sup>2</sup> Table 12. Hogs and Pigs - Inventory and Sales: 2022 and 2017, 2022 Agricultural Census, available at [st99\\_2\\_012\\_012.pdf \(usda.gov\)](https://www.usda.gov/press-releases/2023/09/29/2022-ag-census).

The EPA now has the opportunity to help prevent the rapid consolidation, concentration, and industrialization that occurred in the U.S. hog industry from occurring in the U.S. cattle and sheep industries by exempting U.S. grazing operations from any animal waste reporting requirements EPA may be considering under EPCRA.

## 2. Small Farms

The EPA's attempt to define "small farms," which would include grazing operations, using the EPA's "Regulatory Definitions of Large CAFOs, Medium CAFO, and Small CAFOs" is misguided. And doing so will result in the same unfavorable outcome as that of imposing an unnecessary regulatory burden on grazing operations, i.e., accelerating the consolidation and concentration of the beef and lamb production supply chains.

CAFOs are distinct from grazing operations in that the livestock confined in a CAFO are fed by the CAFO operator to maintain their physiological condition rather than being allowed to graze on vegetation for their sustenance. The former typically requires manure management by the operator; the latter relies on the natural decomposition process to rejuvenate soils supporting the growth of the very vegetation consumed by the livestock.

Based on this author's personal knowledge, a grazing operation with more than 1,000 head of cattle would generate the same environmental benefit (the rejuvenation of soil and vegetation) as one with 300 head of cattle. This is due to the differing acreage requirements based on the operation's carrying capacity. For example, an operation with 1,000 head of cattle grazed on lands with a recommended carrying capacity of 20 acres per cow would disperse those cattle over 20,000 acres, while an operation with 300 head of cattle grazed on lands with the same carrying capacity would graze those cattle over 6,000 acres. In both scenarios, the per acre benefits from animal waste decomposition would be the same. Therefore, applying a CAFO definition to "small farms," particularly if the EPA is considering the inclusion of any grazing operations in its reporting requirements, would be inappropriate.

## 3. Regulatory Definition of Small, Medium, and Large CAFOs

For the following reasons, R-CALF USA strongly believes the EPA's current delineation of small, medium, and large CAFOs is inaccurate, counter to the EPA's environmental goals, and would accelerate the loss of environmentally balanced small to mid-sized cattle and sheep feedlots.

The U.S. Department of Agriculture provides annual reports on the number of cattle feedlots in the United States, and it categorizes them based on their one-time capacity.<sup>3</sup> The first classification, feedlots with a one-time capacity of less than 1,000 head are often referred to as farmer/feeders as they typically feed cattle feedstuffs produced on their own family-scale farming operations, and they transfer their manure from their feedlot to the cropland on which they grow their feed. The environment would be well protected and well served if there were 100,000 thousand or more of these "smaller" feedlots. And less than three decades ago, there were. In 1996 there were 110,000 of these family-scale farmer/feeders.<sup>4</sup> In less than three decades, these family-scale feedlots have

---

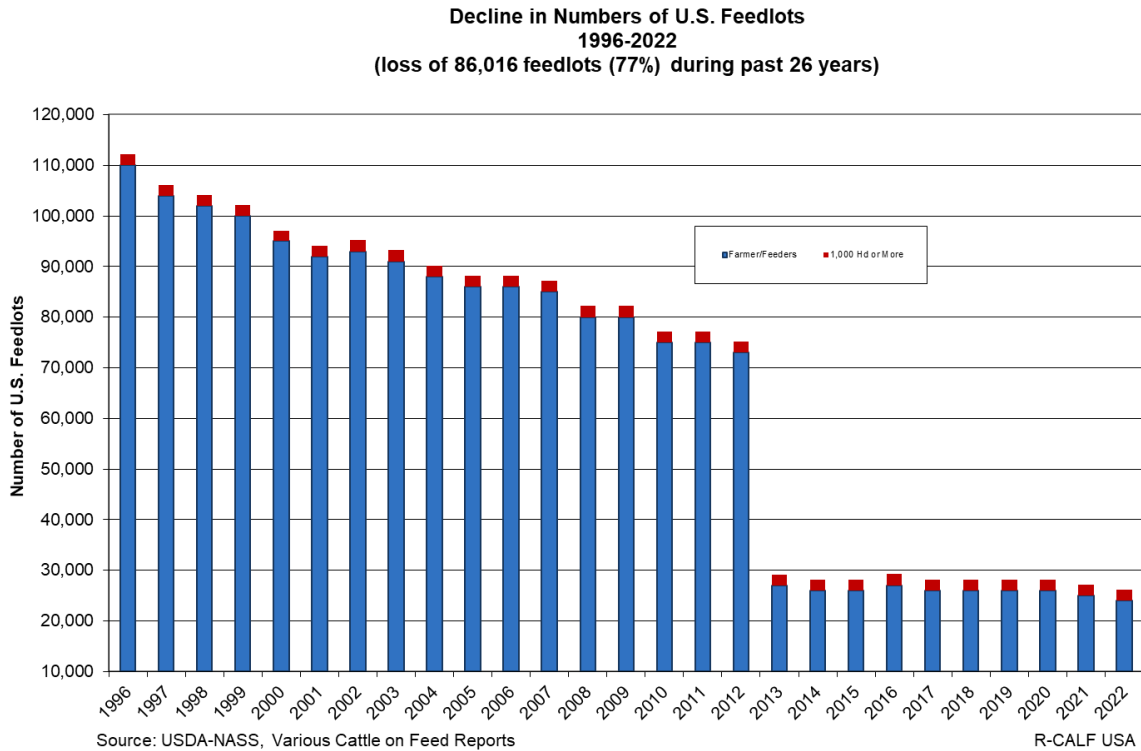
<sup>3</sup> Various Cattle on Feed Reports, USDA NASS, 1996-2023 (Feedlot numbers and marketings are typically reported in the February report), e.g., Cattle on Feed (February 2023), USDA NASS, at 15, available at [Cattle on Feed 02/24/2023 \(cornell.edu\)](https://nass.usda.gov/cattle-on-feed-02-24-2023/).

<sup>4</sup> *See id.*

dropped like flies. Today (2022) only 24,000 remain.<sup>5</sup> Thus, as shown in Chart 3, 78% of these environmentally balanced feedlots in business three decades ago are gone today.

The loss of these environmentally balanced feedlots coincides with the proliferation of mega-sized feedlots – those with a one-time carrying capacity of more than 50,000 head. As shown in Chart 4, the large-scale feedlots in this classification have increased nearly 80% in number since 1996 and now market 35% of all fed steers and heifers marketed by feedlots.<sup>6</sup>

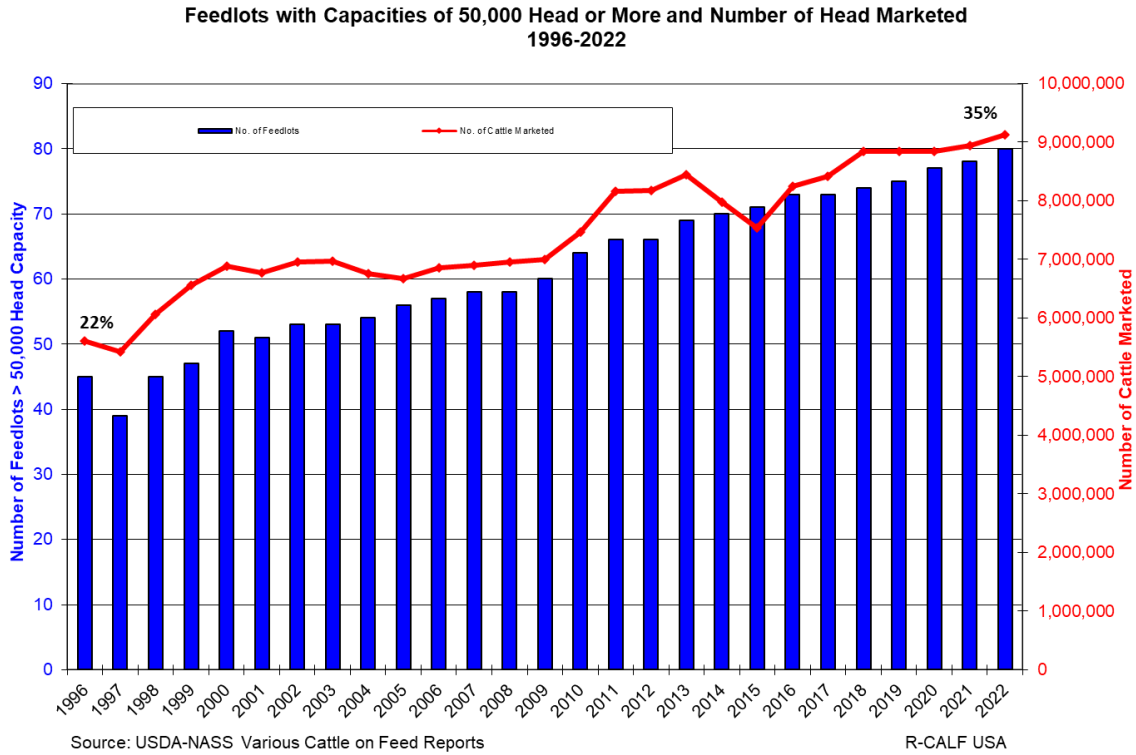
Chart 3



<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

Chart 4



There are 2,013 mid-sized cattle feedlots with a one-time capacity between 1,000 head and 49,999 head and they feed approximately 52% of all fed steers and heifers marketed by feedlots.<sup>7</sup> Based on this author’s personal knowledge, many feedlots falling within the lower echelon of these mid-sized feedlots are family-scale feedlots fitting the USDA’s definition of a family farm:

[A]ny farm organized as a sole proprietorship, partnership, or family corporation. Family farms exclude farms organized as nonfamily corporations or cooperatives, as well as farms with hired managers.<sup>8</sup>

R-CALF USA recommends that EPA revise its “Regulatory Definition of Small, Medium, and Large CAFOs” for cattle to classify all cattle feedlots with a one-time capacity of less than 1,000 head as “Small;” feedlots with a one-time capacity of between 1,000 and 49,999 head as “Medium;” and feedlots with a one-time capacity of 50,000 head or more as “Large.”

In addition to exempting grazing operations and CAFOs with a one-time capacity of less than 1,000 head of cattle from any reporting requirements under EPCRA, the EPA should also exempt any mid-sized feedlots with a one-time capacity between 1,000 and 49,999 head that meet the USDA definition of a family farm.

#### 4. Conclusion

<sup>7</sup> See *id.*

<sup>8</sup> Family Farms, USDA National Institute of Food and Agriculture, available at [Family Farms | NIFA \(usda.gov\)](https://www.nifa.usda.gov/family-farms).

February 15, 2024

Page 7

The environment was best protected when America relied upon its family farm system of agriculture for food production. Unfortunately, through lack of enforcement of antitrust laws and fair competition laws such as the Packers and Stockyards Act, and the nation's misguided embrace of globalization, family-scale operations continue being forced out of agriculture at an alarming rate (e.g., Chart 1 above reveals a loss of nearly 107,000 beef cattle operations during the past 5 years) and replaced with large-scale, highly concentrated, industrial-type production systems that are inherently less environmentally balanced.

The EPA should refrain from imposing any additional regulatory burdens on America's family farmers and ranchers as doing so will only accelerate the unfavorable transition from an environment-friendly family farm and ranch system of food production to an environmentally-taxing large-scale industrial system marked by high concentration and centralization.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Bullard", written in a cursive style.

Bill Bullard, CEO