



# TAD News

## January/February 2009

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John Cowan  
Executive Director

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**TAD Annual Meeting:**  
**1 p.m., Feb. 24**  
Grapevine, Texas

## Federal rules: What you need to know

Dairy producers need to be aware of two rules on the federal level that could impact how you run your business when it comes to animal waste air releases and carcass disposal.

First, most who are impacted by the U.S. Environmental Protection Agency probably know about the final rule, published in the Federal Register, which addresses the CERCLA/EPCRA administrative exemption for reporting of hazardous substances from animal waste at farms.

The final rule applies to CERCLA Section 103 notification requirements, including provisions that allow for continuous release reporting. The EPCRA Section 304 requires farms classified as Confined Animal Feeding Operations (CAFOs) and that have more than 700 mature dairy cows stabled or confined, milking or dry, to report to the Local Emergency Response Committee and to the State Emergency Response Commission.

An initial report must have been made to these agencies by Jan. 22. A written report is due by Feb. 19 with “good faith” estimates of the CAFO’s potential to emit emissions of ammonia and/or hydrogen sulfide. Several examples of how to estimate these emissions from a CAFO are being circulated – you should use the one most appropriate for you. You can view the full text of these rules at:

[www.epa.gov/emergencies/docs/chem/CERCLA\\_EPCRA\\_final\\_rule\\_unsigned.pdf](http://www.epa.gov/emergencies/docs/chem/CERCLA_EPCRA_final_rule_unsigned.pdf)

TAD or a professional environmental consultant can assist you with questions you may have about this requirement. You also can contact your local county extension agent or Texas AgriLife Sciences and Extension for additional information.

The second rule of concern to producers governs animal feed and takes effect April 27. This rule, by the U.S. Federal Drug Administration, impacts whether carcasses will be accepted by a third party renderer. Material that no longer can be used in animal feed are tissues with the highest risk for carrying the agent thought to cause BSE. The **(Continued, “Update,” page 2)**

### **Manager’s Update**

John Cowan

### *Capitol Report*

## Lawmakers debate rules and regulations in session beginning

By Shayne Woodard

Texas Senate committee assignments were issued late in the day on Jan. 30 (Friday). With few new Senate members, not many changes were anticipated.

But Lt. Gov. David Dewhurst made one change that could impact the assignment of bills related to the dairy industry – he created a new standing committee. Agriculture & Rural Affairs received full committee status after functioning as a subcommittee of the Committee on Natural Resources.

The move is an interesting one as Texas continues to become a more urban/suburban state. Thankfully, Lt. Gov. Dewhurst, though a Houstonian, understands the importance of agriculture and rural Texas.

Just as when agriculture was overseen by a subcommittee, however, the members of the new committee also sit on

Natural Resources. Members of Agriculture & Rural Affairs are Sen. Craig Estes (R-Wichita Falls), chair; Carlos Uresti (D-San Antonio), vice chair; Glenn Hegar (R-Katy), Juan “Chuy” Hinojosa (D-McAllen) and Mike Jackson (R-LaPorte).

Natural Resources continues to be chaired by Sen. Kip Averitt (R-Waco) with Estes as vice chair. Other members include: Sens. Bob Deuell (R-Greenville), Robert Duncan (R-Lubbock), Kevin Eltife (R-Tyler), Troy Fraser (R-Horseshoe Bay), Hegar, Hinojosa, Jackson, Kel Seliger (R-Amarillo) and Uresti. Fraser is the only new committee member, replacing a defeated member.

In the House, the election of a new Speaker has slowed the committee assignment process. The House adopted extensive **(Continued, “Capitol,” page 2)**

## **“Update,” continued from page 1**

high-risk materials prohibited under the new rule are the brains and spinal cords from cattle aged 30 months or older.

It is probable rendering companies will require farmers to certify that any carcass offered to the renderer is under the age limit.

Then it also is probable farmers will have to utilize other approved methods of disposal of these animals. ▪

## **“Capitol,” continued from page 1**

new rules in a day-long debate. Among other things, the rules detail what subject matters each legislative committee will oversee. One change of note – the House Agriculture and Livestock Committee will increase from seven to nine members. ▪

## **TAD Board Action**

The Texas Association of Dairymen Board of Directors took the following action during its January meeting in Grapevine:

- Authorized the contribution of \$20,000 to Texas AgriLife Sciences and Extension for the current 2008/2009 fiscal year.
- Decided to meet monthly during the Texas legislative session, which ends June 1.
- Heard an update on the U.S. Environmental Protection Agency Emergency Planning and Community Right to Know Act (see “Manager’s Update” on Page 1.
- Heard a report from Board Member Reta Dyess, a member of the Texas Animal Health Commission, that the TAHC is including trichomoniasis on its list of cattle diseases that need attention. The disease is carried by bulls and is associated with cows aborting.

Note: TAD’s next meeting, on Feb. 24, is the annual meeting at which the Board will seat new member representatives, reorganize the board and hold officer elections. ▪

## **Water enhancement funds available for conservation projects**

The U.S. Department of Agriculture is accepting proposals from producers for water enhancement projects that promote conservation of ground and surface water and the improvement of water quality. Nationally, \$58.4 million is available.

Proposals are due March 2. They can be submitted electronically at [www.grants.gov/apply](http://www.grants.gov/apply) or mailed to Chief (Attn: Financial Assistance Programs Division), Natural Resources Conservation Service, USDA, AWEP Proposals, P.O. Box 2890, Washington, DC 20013. Applicants also must send their proposal to the State Conservationist.

For more information, contact Greg Johnson, director, Financial Assistance Programs Division, NRCS, at (202) 720-1845 or [AWEP2008@wdc.usda.gov](mailto:AWEP2008@wdc.usda.gov), or visit [www.http://www.nrcs.usda.gov/](http://www.nrcs.usda.gov/); select the Farm Bill link from the menu; select the Notices link from beneath the Federal Register Notices Index title. ▪

## **Comment sought on proposal to exempt milk containers**

The U.S. Environmental Protection Agency (EPA) is now accepting comments on a proposed rule that would exempt milk containers and associated piping and appurtenances from Spill Control and Countermeasure requirements that cover oil storage tanks if they are: (1) constructed according to current applicable 3-A Sanitary Standards, and (2) are subject to the current applicable Grade “A” Pasteurized Milk Ordinance (PMO) or a state dairy regulatory requirement equivalent to the current applicable PMO.

The EPA believes these measures serve to prevent discharges of oil in quantities that are harmful.

Comments on the proposed amendments (Docket ID No. EPA-HQ-OPA-2008-0821) can be submitted at [www.regulations.gov](http://www.regulations.gov).

The proposed amendment can be read at: [www.epa.gov/emergencies/spcc](http://www.epa.gov/emergencies/spcc). ▪



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