



Texas Association of Dairymen

Important Notice

August 1, 2005

To: Dairy Producers
From: Texas Association of Dairymen
Subject: EPA Air Consent Agreement – Signup Extension to August 12, 2005

This notice is being preprinted from NMPF and is provided to give you as much information regarding the EPA Air Consent Agreement as we can possibly provide you.

*The Environmental Protection Agency (EPA) has notified NMPF that it will extend the sign-up period for the Air Consent Agreement for an additional two weeks. **The new sign-up deadline will be August 12, 2005.** EPA has also agreed that it will hold all dairy producers' agreements, to give time for funding to be obtained for the monitoring study. What that means is that producers will still have the option of getting out of the agreement if funding challenges are not resolved.*

We are aware that many producers have been hesitant to sign the agreement based on the lack of funding for the air emissions study, and worries that by signing the agreement, they would be locked into paying for the research themselves. This letter from EPA clearly delineates that a dairy producer is not bound to the Agreement if national funding is not obtained.

While the additional two week extension is not as much time as NMPF requested, the extension is intended to give dairy producers additional time to review the agreement and decide if they would like to participate.

EPA has sent a letter to NMPF explaining that all dairy agreements will be held to allow for more time to obtain funding for the research. As stated in paragraph 68 of the Consent Agreement, producers will not be bound until the agreement is approved and signed by the Environmental Appeals Board (EAB). EPA will not have the EAB proceed with the dairy consent agreements until a later time. If the dairy industry does receive the funding, then the agreements signed by dairy producers will go forward. Should the industry not receive the funding, producers will have the opportunity to opt-out of the agreement. This clarification by EPA enables those who wish to sign the agreement to do so without worrying about being held liable for the \$2,500 fee for the research.

For those interested in signing the agreement, follow the instructions on the EPA website at <http://www.epa.gov/compliance/resources/agreements/caa/cafo-agr-howtosignup.html>.

John Cowan