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This week's poll

Are you pleased with the results of the election?

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The Federal Proposed Cow and Pig Gas Tax

by Dean Draper

The inner workings of farm animals create greenhouse gases and an obscure part of the Clean Air Act might cause farmers to pay a tax for those animal emissions.

The feed processed by farm animals ferments in their digestive systems producing methane and nitrous oxide. These two gases are released as farts and burps. The Environmental Protection Agency (EPA) is studying how emissions released might create enough environmental pollution to negatively affect human health. The EPA expects to complete its two-year study by summer of 2009. If the EPA finds this to be the case, a possible tax on greenhouse emission could be imposed on large livestock producers and dairy farms.



The Federal Proposed Cow and Pig Gas Tax

More than 90 percent of U.S. dairy, beef and pork production would be affected by the proposal said Mark Maslyn, American Farm Bureau Federation (AFBF) executive director of public policy.

According to U.S. Department of Agriculture statistics, any farm or ranch with more than 25 dairy cows, 50 beef cattle or 200 hogs emits more than 100 tons of carbon equivalent per year. Maslyn said they would need to obtain a permit under the proposed rules.

The EPA sets a "presumptive minimum rate" for fees—the rate is its best educated guess if nothing changes. For 2008-2009, the rate is \$43.75 per ton of emitted greenhouse gases. The proposed fee would be \$175 per dairy cow, \$87.50 per head of beef cattle and a little more than \$20 for each hog according to AFBF's Rick Krause.

The average number of cows on a U.S. dairy farm is 155. The annual Green House Gas (GHG) permitting fee would be \$27,125 for those 155 cows.

According to the National Cattlemen's Beef Association, "There is no proposal at this time to regulate GHGs under the (Clean Air Act) CAA or to enact a "cow tax."

"The 'cow tax' alert is the reaction to EPA's Advanced Notice of Proposed Rulemaking (ANPR) that was issued as a result of a 2007 US Supreme Court decision, Massachusetts v EPA, that determined that CO2 is a pollutant and directed the EPA to evaluate whether CO2 endangers public health and the environment. If EPA were to determine that CO2 is a danger to public health and the environment, CO2 likely would be regulated under the CAA.

"Given this concern, the EPA issued and sought comment on the ANPR in large part to inform the public about the devastating effects regulating GHGs would have on every sector of our economy, including agriculture.... In addition, EPA Administrator Johnson stated that the CAA is 'an outdated law . . . ill-suited for the task of regulating global greenhouse gases.'"

If the EPA rules emissions should be classified as endangering public safety, all GHGs including carbon dioxide, methane and nitrous oxide would be subject to regulation under Title V of the CAA. If an endangerment finding is made other provisions of the CAA are automatically triggered. Any entity with the potential to emit more than 100 tons per year of a regulated pollutant must obtain a permit in order to continue to operate. This would cause regulation of agriculture as well as automobiles and other industries.

The Florida Farm Bureau said others affected could include power plants and factories, large office and apartment buildings, schools, hospitals, large churches and even some large houses. They also noted that GHG regulation under the Clean Air Act would affect all farmers. Crop production emits nitrous oxide from fertilizer and methane. Fields emitting 100 tons of carbon would also be subject to permitting requirements as well.

The ANPR itself states: "None of these documents represents a policy decision by the EPA, but all are intended to advance the public debate and to help inform the federal government's decisions regarding climate change."

The editor of Dairy Today, Jim Dickrell, stated in the Ohio State University Extension Beef Team newsletter, that the EPA acknowledges the subject is controversial: "The implications of a decision to regulate GHGs under the [Clean Air] Act are so far reaching that a number of other federal agencies have offered critical comments and raised serious questions during interagency review of EPA's ANPR."

ProCon.org, has been active in trying to find pros and cons of various controversial issues since 1986. At their website one can find the State by State Dairy Cow Emissions Chart: The Fart Chart. The majority of these gases are released by the enteric fermentation (farts and burps) of ruminant animals such as dairy cows which is why they have nicknamed this presentation "The Fart Chart." ProCon.org lists several links to learn more about the proposed emission regulations.

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