

# United States Senate

WASHINGTON, DC 20510

January 19, 2018

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency (EPA)  
1200 Pennsylvania Ave, NW  
Washington DC 20012

Dear Administrator Pruitt:

We write to request that you ask the U.S. Court of Appeals for the District of Columbia (DC Circuit) to extend its stay of the order in the *Waterkeeper Alliance v. EPA* case that would require farmers to report air emissions from animal waste by January 22, 2018. As you know, in April 2017, the DC circuit vacated EPA's 2008 rule that would have limited the number of animal agricultural operations that need to report their air emissions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Emergency Planning and Community Right to Know Act (EPCRA). In our view, the agency has been woefully late in rolling out guidance on this matter, and needs more time to ensure that our constituents, who face legal liability for untimely or inaccurate reporting, understand the reporting requirements.

Last month, several of us wrote to you indicating that we had been hearing from many livestock operators in our states that the guidance put out by EPA in response to the *Waterkeeper* decision was confusing and unhelpful. We asked you several questions regarding the steps you were taking to improve your guidance documents, streamline the reporting process, and conduct outreach to educate farmers of their reporting requirements. We have not yet received a response to this letter. Less than a week before reporting requirements may begin, EPA is just now producing new guidance documents and working with the Administration to make them public, and little meaningful progress has been made in conducting outreach on this issue. As we said in our previous letter, our constituents deserve much better than this.

On a phone call last week, your staff indicated to staff in Senator Carper's office that while new guidance was forthcoming and EPA will be running Public Service Announcements with regards to these reporting requirements, you would not be asking the Court of Appeals for any further delay of these reporting requirements. We believe this is a serious error and will only compound EPA's failure to provide our farmers with the tools and information they need on a timely basis. We ask that your agency immediately contact the Court of Appeals and request a further delay to allow for the revised guidance to be widely disseminated and for farmers to have enough time to understand their obligations and to obtain answers to any questions they might have in this regard.

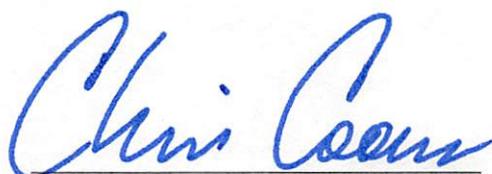
We ask that you inform our offices by the January 22<sup>nd</sup>, 2018 indicating whether or not you have asked the U.S. Court of Appeals for additional time.

If you have any additional questions regarding this request, please ask your staff to contact Brian Papp with Senator Carper at 202-224-2441 or Leah Rubin Shen with Senator Coons at 202-224-2441.

Sincerely,



Thomas R. Carper  
United States Senator



Christopher A. Coons  
United States Senator



Benjamin L. Cardin  
United States Senator



Tina Smith  
United States Senator



Tim Kaine  
United States Senator



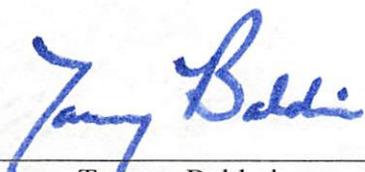
Heidi Heitkamp  
United States Senator



Michael F. Bennet  
United States Senator



Amy Klobuchar  
United States Senator



Tammy Baldwin  
United States Senator



Chris Van Hollen  
United States Senator