



# American Horse Council Washington Update

## Livestock Manure and Superfund Legislation

### Introduction

Legislation has been introduced to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), commonly known as “Superfund,” to provide that livestock manure is not considered a hazardous substance, pollutant or contaminant under that Act.

Unlike last Congress’ version, this bill protects horses along with other livestock. The AHC worked with the supporters of the bill to ensure that the definition of “livestock” included horses.

The House bill (H.R. 1398) was introduced by Representatives Collin Peterson (D-MN) and Ralph Hall (R-TX), along with numerous other Members. It was jointly referred to the Committee on Energy and Commerce and the Committee on Transportation and Infrastructure. The Senate bill (S. 807) was introduced by Senators Blanche Lincoln (D-AR), Mary Landrieu (D-LA), Pete Domenici (R-NM) and Saxby Chambliss (R-GA). That bill was referred to the Committee on Environment and Public Works.

### Legislation Clarifies that Livestock is not Subject to Superfund

The legislation is in response to attempts over the past few years by some states and local authorities to extend CERCLA and the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) to livestock and poultry operations for emissions or discharges from manure produced in those operations.

States and municipalities have filed suits against livestock and poultry operations in Texas and Oklahoma claiming Superfund liability and arguing that farms and ranches should be covered under the toxic waste cleanup and liability provisions of the 1980 Superfund law. While the animal agriculture industry has been regulated for years under the Clean Water Act, Clean Air Act and various state laws to protect the environment, it has never been regulated under Superfund or EPCRA, which include severe liability provisions.

The livestock industry is seeking a Congressional clarification that these laws were never intended to apply to or regulate manure. The concern is that without such a clarification livestock and poultry operations could be subject to comprehensive and highly-regulated cleanup under the Superfund law. The livestock industry maintains that CERCLA was created to provide for cleanup of industrial chemical toxic waste dumps, such as Love Canal and Times Beach, not to regulate manure and the livestock industry.

### Horses Now Included in the Bill

Specifically, the bill would amend CERCLA to provide that livestock manure would not be included in the meaning of “hazardous substance” or “pollutant or contaminant” under that Act.

The bill defines “manure” to mean “digestive emissions, feces, urine and other excrement” and “any associated bedding, compost, raw materials or other materials commingled with such excrement” from “livestock” as defined in Section 10403 of the Farm Security and Rural Investment Act of 2002. That provision defines livestock to include “all farm-raised animals,” which includes horses.