

**Letter to the Dairy Industry**  
**From The Northeast Dairy Producers**  
**May 5, 2005**

One of the key projects on the Northeast Dairy Producers Association's busy agenda during the past year has been to research the EPA Air Emissions Consent Agreement, and to attempt to impact its language and implementation timeline. Ultimately, these efforts resulted in this position:

***to advocate for participation in the Agreement.***

(A Q&A document about the Agreement is on the web at:

[www.epa.gov/compliance/resources/agreements/caa/cafo-agr-qa.html](http://www.epa.gov/compliance/resources/agreements/caa/cafo-agr-qa.html))

While the Northeast Dairy Producers Association (NEDPA) disagrees with the application of the Clean Air Laws to American animal agriculture, if we must comply then it is absolutely imperative that compliance rules be based on sound science. We need to perform studies at well-designed monitoring sites set up on a variety of dairy farm operations across the country. The data obtained will guide producers in management decisions with respect to air emissions. NEDPA believes there is an excellent opportunity to influence this entire process by participating in the Agreement and encourages all dairy producers to request that the National Milk Producers Federation (NMPF) provide supplemental funds for the air emissions research. Put simply—no funds, no Agreement, no research; regardless, the EPA will pursue enforcement action.

At the beginning of this process, NEDPA's Board of Directors struggled with the basis of the Agreement, its terms and conditions, and the prospect of being regulated in yet another environmental arena. Certain terminology in the Agreement—such as having to pay a "penalty"—smacked of an admission of guilt. Initially, this led the Board to want to dismiss the Agreement out of hand. But the Directors felt that they needed to be proactive by delving deeper into an issue that could have such a profound impact on the local, regional, and national dairy industries. Through this effort NEDPA came to understand that payment of a "penalty" actually works in favor of those who sign the Agreement, and also that the Agreement clearly states—twice—that producers make no admission of guilt or wrongdoing.

During numerous telephone conversations and trips to other dairy regions, the NEDPA Board has listened carefully to points of view that run counter to its own. In many cases, the Directors experienced déjà vu moments when they remembered their own early doubt and concern about participating in the Agreement. But dutiful attention to detail and extensive legal study by attorneys with decades of environmental litigation experience gradually moved the Board to consensus in favor of signing the Agreement.

NEDPA is working closely with the NMPF Air Quality Task Force to foster development of accurate data for regulation of air emissions, to identify cost-effective mitigation technologies that could be used to reduce emissions, and perhaps most importantly, to fund the monitoring studies. The Board supports alternative funding efforts to make the Agreement more attractive to farms of all sizes.

***In summary,*** the NEDPA Board of Directors and its legal counsel recommend that it is prudent for dairy producers to sign the Agreement.

***Signed by the NEDPA Board of Directors:***

George Allen, Schaghticoke NY  
Russ Beck, Freeville NY  
Malachy Coyne, Avon NY  
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Mary Kelly, Rensselaer Falls NY  
Lou Anne King, Madrid NY  
Jonathan Lamb, Oakfield NY  
Steve Palladino, Lansing NY, Vice Chairman  
and Caroline Potter, Fabius NY, Executive Director

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