



# Dairy CARES Report

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## **CARES members rebuff activist attacks on San Joaquin air quality dairy regulations**

CARES and several of its member organizations were in Fresno County Superior Court July 19, alongside the San Joaquin Valley Air Pollution Control District, to defend the District's Rule 4570 dairy regulations from a legal challenge by an anti-dairy activist group. A decision is expected soon in this important case, which will help decide whether dairy regulations are to be based on sound science and reasonable, flexible management practices.

“Rule 4570 has posed a significant economic burden on California dairies, requiring many dairies to adopt new management measures to reduce emissions,” said CARES Chairman Bill Van Dam. “However, CARES member organizations support this rule. This rule reduces dairy emissions, so our dairies can do their part to protect air quality. While it is a tough rule, it is also flexible, science-based and management-focused. That allows dairy families to make choices and develop their own site-specific strategies to reduce air emissions while minimizing the overall economic impacts. It's a win-win: emissions are reduced sharply and dairies stay in business.”

Rule 4570 requires dairies with more than 1,000 milking cows and other “large” livestock facilities (defined as Large Confined Animal Facilities or LCAFs) to implement mitigation measured. For dairies, this means selecting at least 19 management measures from a list of options. Having a choice is important because dairies vary widely in design, management and size. The air district estimates the rule will eventually reduce dairy emissions by at least 25 percent, one of the largest emission reductions by a regulation in the air district's history.

Unfortunately, this landmark rule – and the air district – are under attack by the Center on Race, Poverty and the Environment (CRPE), which represents a group calling itself the Association of Irrigated Residents (AIR). AIR filed suit against the air district last year, immediately following the air district's adoption of Rule 4570, which itself followed a public process nearly a year in length, including public hearings and hundreds of pages of written comments from various stakeholders on the proposed rule.

Because flexible, science-based regulations are critical to the dairy industry's future, several dairy industry groups intervened on behalf of the air district to defend the rule. While to rule poses significant requirements and expense on dairy producers, CARES member organizations agree with the air district that all stakeholders are better off with Rule 4570 in its present form, rather than starting the process anew. CARES, Western United Dairymen, California Dairy Campaign and Milk Producers Council have intervened jointly in the case with financial assistance from the California Dairy Environmental Justice Fund.

Among AIR/CRPE's contentions: That dairies should not be given any credit for measures already taken to reduce emissions, in effect, punishing those who invested in emission control

measures before they were required to do so. AIR also argued that there is too much flexibility in Rule 4570, and that all dairies should be ordered to reach “maximum achievable reductions” regardless of cost. However, these ideas are not included in Rule 4570 or in Senate Bill 700, the 2003 law that required air districts to create new rules for regulating dairies. Also, AIR/CRPE contended that Rule 4570 should be designed to regulate *all* emissions from dairies, including ammonia, hydrogen sulfide and greenhouse gases. The rule now addresses only those contaminants that have the potential to create ozone.

Both 4570 and SB 700 included provisions that were intended to assure scientific basis for control measures and to provide a balance that resulted in cleaner air, while protecting the economy and jobs. CRPE/AIR’s legal arguments ignore all of those protections.

“We want to support the air district in implementing the law as it was written, not as anti-dairy activists wish it was written,” Van Dam said.

As expected, AIR/CRPE has also not shied away from negative rhetoric, arguing in court that the air district is “protecting factory farms” at the expense of “public health.”

“We find it ironic that this group, which purports to support cleaner air, is trying to stand in the way of one of the most effective air pollution regulations in the air district’s history,” Van Dam said.

“It is also disturbing that after both the state Legislature and the air district governing board clearly expressed their intent as to what this law was supposed to do, this group appears to be attempting to ‘rewrite’ the law in court, before giving it a chance to work,” he said. “We’re confident that the court will agree with the position of both the air district and CARES and its members that the legal claims being made by AIR have no merit.”

CARES will continue to closely monitor the case. Dairy producers are advised that regardless of the legal challenge, Rule 4570 is fully implemented and in place, and all dairy producers with 4570 permits should continue implementing mitigation practices as agreed and without interruption.

*CARES is a statewide coalition supporting economic and environmental sustainability for California’s dairy industry. CARES members include the Alliance of Western Milk Producers, Bank of the West, California Dairies Inc., California Dairy Campaign, Crystal Cream & Butter, Dairy Farmers of America-California, Dairy Institute of California, Hilmar Cheese Co., Joseph Gallo Farms, Land O’ Lakes, Milk Producers Council, Saputo Cheese, Turlock Dairy & Refrigeration, Western United Dairywomen, and others. For information about CARES, visit our web site at [www.dairycares.com](http://www.dairycares.com), write [dairycares@aol.com](mailto:dairycares@aol.com) or call 916-441-3318.*