



## National Milk Producers Federation

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703.243.6111 • www.nmpf.org

*"Connecting Cows, Cooperatives, Capitol Hill, and Consumers"*

Agri-Mark, Inc.  
Arkansas Dairy  
Cooperative Association  
Associated Milk  
Producers, Inc.  
Continental Dairy  
Products, Inc.  
Cooperative Milk  
Producers Assn.  
Dairy Farmers of  
America, Inc.  
Dairymen's Marketing  
Cooperative, Inc.  
Dairylea Cooperative Inc.  
Ellsworth Cooperative  
Creamery  
Farmers Cooperative  
Creamery  
First District  
Association  
Foremost Farms USA  
Just Jersey  
Cooperative, Inc.  
Land O'Lakes, Inc.  
Lone Star Milk  
Producers, Inc.  
Manitowoc Milk  
Producers Coop.  
MD & VA Milk  
Producers Cooperative  
Association, Inc.  
Michigan Milk  
Producers Assn.  
Mid-West Dairymen's  
Company  
Northwest Dairy  
Association  
Prairie Farms  
Dairy, Inc.  
St. Albans Cooperative  
Creamery, Inc.  
Scioto County Co-op  
Milk Producers' Assn.  
Select Milk  
Producers, Inc.  
Southeast Milk, Inc.  
Swiss Valley Farms, Co.  
Tillamook County  
Creamery Assn.  
United Dairymen  
of Arizona  
Upstate Niagara  
Cooperative, Inc.  
Zia Milk Producers

Administrator Lisa Jackson  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 1101A  
Washington, DC 20460

May 20, 2010

Dear Administrator Jackson:

The National Milk Producers Federation (NMPF) respectfully requests the Environmental Protection Agency (EPA) to finalize the January 15, 2009 proposed amendments to the Spill, Prevention, Control, and Countermeasure (SPCC) rule to tailor and streamline requirements for the dairy industry (74 FR 2461). The NMPF, based in Arlington, VA, develops and carries out policies that advance the well-being of dairy producers and the cooperatives they own. The members of NMPF's 30 cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of more than 40,000 dairy producers on Capitol Hill and with government agencies.

On January 15, 2009, EPA proposed to exempt milk containers and associated piping and appurtenances constructed according to current applicable 3-A Sanitary Standards and subject to the current, applicable Grade "A" Pasteurized Milk Ordinance (PMO) or an equivalent state dairy regulatory requirement. An owner or operator of a facility that is subject to the SPCC rule that has milk storage containers and associated piping and appurtenances constructed in accordance with current applicable 3-A Sanitary Standards, and is effectively implementing current, applicable PMO sanitation requirements, is implementing substantial measures to prevent milk contamination.

In correspondence with EPA staff, NMPF has learned there is no current timeline for the finalization of this proposal. The impending SPCC compliance date of November 10, 2010 (74 FR 29136) is quickly approaching and dairy producers are unsure as to the applicability of the SPCC regulations for a significant proportion of equipment on their facilities because the EPA proposal has not been finalized. This uncertainty may lead some producers to hesitate to finalize SPCC plans or cause others to spend significant resources on a plan that will not be required.

**Jerry Kozak, President/Chief Executive Officer**

**Randy Mooney, Chairman**

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The SPCC regulation has two different levels which define the manner in which an SPCC plan may be produced: Tier 1 has a self-certified plan and Tier 2 requires a plan be certified by a professional engineer. Without finalization of the EPA proposal, there will be significant confusion as to which tier a dairy producer would be required to meet, or if they are required to have a plan at all.

In conclusion, we urge EPA to finalize the January 15, 2009 proposed amendments to the Spill, Prevention, Control, and Countermeasure (SPCC) rule to tailor and streamline requirements for the dairy industry (74 FR 2461). We are glad to assist in this measure; should your agency have any questions please contact me at 703-243-6111 or [jjonker@nmpf.org](mailto:jjonker@nmpf.org).

Sincerely,

A handwritten signature in blue ink that reads "Jamie S. Jonker". The signature is written in a cursive style with a large, stylized initial "J".

Jamie S. Jonker, Ph.D.  
Vice President, Scientific & Regulatory Affairs

CC: USDA Secretary Tom Vilsack