



News Release

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

FOR IMMEDIATE RELEASE
Friday, June 11, 2010

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EPA to Delay Deadline for Spill Control Regulation of Bulk Milk Tanks

NMPF Letter Prompts EPA to Provide Clarity on Efforts to Exempt Farm Storage Tanks

ARLINGTON, VA – The National Milk Producers Federation (NMPF) commends the U.S. Environmental Protection Agency (EPA) for taking a sensible approach to regulating dairy farms under the Spill, Prevention, Control, and Countermeasure (SPCC) regulations by pushing back the deadline for farms' compliance with those regulations.

In a letter to NMPF dated June 9th, the EPA committed to finalizing the SPCC exemption for bulk milk storage "as expeditiously as possible ...to have that process completed by early 2011." In addition, EPA will be extending the compliance deadline for dairy producers until that time.

Last month, NMPF requested EPA to take such actions to provide certainty in the SPCC regulations so that dairy producers could appropriately make decisions on their need for regulatory compliance. EPA first proposed to exempt milk containers and associated piping and equipment 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, from the SPCC regulations on January 15, 2009.

The goal of the SPCC program is to prevent oil spills into waters of the United States and adjoining shorelines. A key element of the program calls for farmers and other facilities to have an oil spill prevention plan, called an SPCC plan. The SPCC plans are required for farms which have an aggregate storage capacity of oil products of 1320 gallons, or more, for every storage container larger than 55 gallons. This storage does not include vehicle storage capacity, but it does potentially include bulk milk tanks, as the butterfat in milk is regarded under the law as a form of oil.

A farm with less than 10,000 gallons of total storage capacity and no single storage greater than 5,000 gallons can self-certify their SPCC plan. Farms that do not meet this exemption must have a plan certified by a professional engineer. NMPF's concern is that this regulation could require a significant number of farms to require outside certification of their facilities.

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“The commitment to finalize the bulk milk storage exemption and extend the compliance deadline for America’s dairy farmers demonstrates EPA’s desire to have commonsense regulations,” said Jamie Jonker, NMPF Vice President of Scientific and Regulatory Affairs. “Milk should not fit in the same category as oil and fuels.”

NMPF’s letter and EPA’s response can be viewed online at www.nmpf.org.

The National Milk Producers Federation, 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.