

U.S. Pork Industry's 2015 Successes

Capital Pork Report

FEBRUARY-MARCH 2016

The National Pork Producers Council won a number of important victories for pork producers in 2015.

NPPC worked with members of Congress, executive branch officials, representatives of foreign nations and other agriculture industry groups to advance proposals beneficial to the U.S. pork industry and to stop ones that would have been detrimental to pork producers.

The organization – and dozens of its producer members – made hundreds of visits to congressional offices to educate lawmakers and their staff on important pork industry issues. NPPC also attended dozens of political fund-raisers and coalition meetings; held briefings for lawmakers on critical matters, including the antibiotics issue; and generally made pork producers' voices heard on important issues affecting the pork industry through testimony, comments and letters.

It weighed in on a variety of issues, from antibiotics to federal dietary guidelines; from environmental regulations to the mandatory price reporting law; and from free trade to taxes.

The U.S. pork industry will face many legislative and regulatory challenges in the coming year, and NPPC again will work to protect the livelihoods of America's pork producers.

Details on NPPC's 2015 wins are in the pages that follow.

Country-of-Origin Labeling for pork and beef repealed (pg 4)

Mandatory Price Reporting reauthorized (pg 4)

International Trichinae Standard adopted (pg 6)

Hours of Service trucking rule waived (pg 6)

Dietary Guidelines for Americans issued (pg 7)

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CAFO Reporting Rule lawsuit dismissed (pg 10)



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YEAR IN REVIEW



Neil Dierks
NPPC CEO



Dr. Ron Prestage
NPPC President

"The price of success is hard work, dedication to the job at hand, and the determination that whether we win or lose, we have applied the best of ourselves to the task at hand."

~ Vince Lombard

PERSPECTIVE

The hard work, dedication and determination of the pork producer members of the National Pork Producers Council and the NPPC staff in Des Moines and Washington helped make 2015 one of the most successful years ever for the U.S. pork industry, with victories coming on a host of issues.

Through hundreds of hours spent lobbying members of Congress and executive branch officials, participating in dozens of meetings as part of various coalitions and working with representatives of foreign nations and other agricultural industry groups, NPPC in 2015 was able to advance proposals beneficial to the U.S. pork industry and to stop ones that would have been detrimental to pork producers. We weighed in on numerous issues, filing comments with regulatory agencies, sending letters to congressional lawmakers and submitting testimony for the record.

Those efforts helped us secure many victories for producers, including repeal of the mandatory labeling provision for pork and beef, exemption from an onerous trucking rule, reauthorization of the mandatory price reporting law, adoption of an international standard for trichinae, approval of Trade Promotion Authority, finalization of the Trans-Pacific Partnership, a halt to implementation of the "Waters

of the United States" rule, resolution to work slowdowns at West Coast ports that affected our exports and extension of important tax provisions. (See the stories in this report.)

NPPC also had a successful year raising funds for its political action committee, PorkPAC, taking in more than \$228,000. That money is being used to support in the 2015-2016 election cycle congressional candidates whose views represent the interests of pork producers, processors and the U.S. pork industry.

We also continued to communicate with and to educate companies throughout the pork chain about the pork industry's commitment to continuous improvement and to the ethical principles embodied in the industry's We Care program, which affirm that producers do the right things on their farms – for their animals, their workers and the environment – every day.

While 2015 was a very good year for us, as the saying goes: You're only as good as your last success.

NPPC in 2016 will try to repeat last year's success, fighting on your behalf for reasonable legislation and regulation, to open new and expand existing export markets and to protect your livelihood. And with your support and involvement, the U.S. pork industry this year *will be* as successful as it was in 2015.



“Pass the Pork” Tour

Blogger Mediavine's post: Several of the bloggers sleeved a sow. That's when you put on a long plastic glove and gently pull the piggy out of the sow during delivery! Delivering a newborn was super cool and quite an incredible experience! I delivered piggy number 14, the last of that particular sow's piglets, so I suppose I'm a piggy midwife now!! Cute as can be and you might think that after that experience I would never touch bacon again! Quite the opposite is true. After witnessing the pork farming practices I'm looking at pork with more recipe ideas in mind!!

Social Media Played Important Role For U.S. Pork Industry

The National Pork Producers Council last year continued to utilize social media as an effective tool to quickly communicate information on important issues, with 2015 being a very successful social media year for the organization.

The highlight of the year was a September “Pass the Pork” tour for 10 prominent food and lifestyle bloggers. NPPC teamed with the National Pork Board and the Iowa Pork Producers Association to give the bloggers a closer look at the U.S. pork industry from farm to plate.

The influential bloggers, with a combined reach of more than 1 million followers, began the experience with an all-day trip to Brennehan Pork, a fully integrated, family-run swine and grain operation in Washington County, Iowa. The bloggers then participated in a meat fabrication event, where Chef Jim Murray carefully broke down a carcass into different cuts of pork, describing consumer uses and packaging tech-

niques. To close out the event, pig farmer and *The Bachelor* contestant Chris Soules (armed with bacon roses) surprised the bloggers at a cooking class with Chef Nina Swan-Kohler in Robins, Iowa. Each blogger took turns whipping up a six-course meal of delicious pork dishes, including pork lettuce wraps and maple bacon cookies.

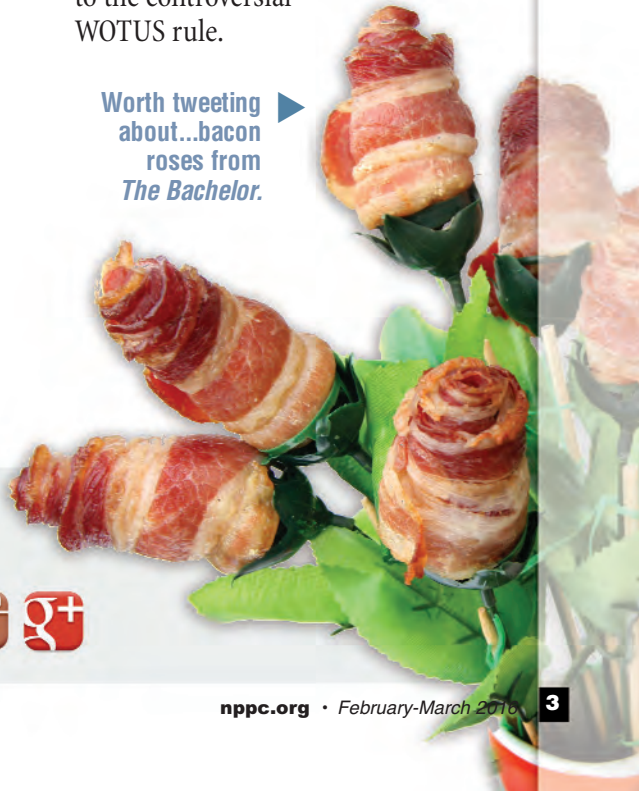
The event was a success across the digital platform. The bloggers updated social media throughout the event, sending out 87 tweets, 16 Facebook posts and 79 Instagram posts. These posts had a total of 7,771,329 impressions. NPPC promoted many of the blog posts on its on social media pages, resulting in increased exposure.

NPPC also continued to use its popular social media platforms – Facebook, Twitter and Pinterest – to communicate with more than 24,000 followers. Using a mix of humor, news and advocacy content and pork industry information, NPPC updated its social media

platforms daily. Popular Facebook updates garnered up to 100,000 impressions on a single post.

In addition to social media, NPPC utilized online advertising as a way to advocate on behalf of the U.S. pork industry. It ran two very successfully campaigns, getting more than 1 million impressions and more than 700 contacts to Capitol Hill offices on Trade Promotion Authority (TPA) and the Waters of the United States (WOTUS) rule. Those efforts helped win congressional passage of TPA, which is needed to finalize free trade agreements, and galvanize congressional opposition to the controversial WOTUS rule.

Worth tweeting about...bacon roses from *The Bachelor*.



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U.S. Pork Industry's 2015 Successes

The National Pork Producers Council helped secure several important victories for pork producers last year. Amongst them:

MEAT LABELING REPEAL

The pork and beef labeling provision of the U.S. Country of Origin Labeling (COOL) law was repealed in mid-December with congressional passage of a fiscal 2016 catch-all spending bill, allowing the United States to avoid retaliation from its two biggest trading partners.

Congress included repeal language in the so-called omnibus bill less than two weeks after the World Trade Organization authorized Canada and Mexico to put more than \$1 billion in tariffs annually on U.S. products in response to the COOL law.

COOL required meat to be labeled with the country where the animal from which it was derived was born, raised and harvested. (It also applies to fish, shellfish, fresh and frozen fruits and vegetables and certain nuts.)

In cases brought by Canada and Mexico in 2011 and in 2013 against COOL, the WTO ruled that the law violates the international trade obligations of the United States because it discriminates against Canadian and Mexican

animals that are sent to the United States to be fed out and processed. Those decisions paved the way for the No. 1 and No. 2 U.S. export markets to put retaliatory tariffs on U.S. goods going into their respective country.

NPPC urged lawmakers to repeal the labeling provision for pork and beef to avoid retaliation, drafting and sending to lawmakers a letter signed by 248 other organizations urging repeal of the labeling provision.

TAX EXTENDERS

Also included in the year-end funding bill and strongly supported by NPPC were extensions of the Section 179 small business expensing and bonus depreciation provisions, which allow farmers and ranchers to write off capital expenditures in the year assets are bought rather than depreciate them over time.

Section 179 was made permanent, and the maximum amount that can be expensed was restored to \$500,000, as it was for the 2010 through 2014 tax years. The deduction phases out when the total cost of qualifying assets exceeds \$2 million. (When the provision expired at the end of 2014, the maximum amount dropped to \$25,000, phasing out when total assets exceeded \$200,000.)

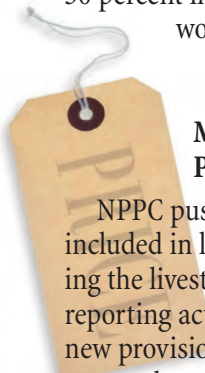
The bonus depreciation provision for the purchase of new capital assets, including agricultural equipment, was reinstated for five years. It allows 50 percent of the cost of such assets to be deducted for tax years 2015 through 2017; the expensing amount would be reduced to 40 percent in 2018 and 30 percent in 2019. The provision would not be available beginning in 2020.


MANDATORY PRICE REPORTING

NPPC pushed for and got included in legislation reauthorizing the livestock mandatory price reporting act for another five years new provisions that make the law more robust. Congress approved the legislation in October.

The mandatory price reporting (MPR) statute requires meat packers to report to the U.S. Department of Agriculture the prices they pay for cattle, hogs and lambs and other information. USDA publishes twice-daily reports with information on pricing, contracting for purchase and supply and demand conditions for livestock, livestock production and livestock products.

Added to the reauthorized act was a provision establishing a "Negotiated-Formula" price category to better reflect the total number of hogs negotiated each day. Today, less than 4 percent of





hogs are sold in the negotiated, or cash, market. Those hogs are used as a benchmark for pricing hogs sold under alternative marketing arrangements. But, under a USDA rule, hogs not committed to any packer on a long-term basis and whose price is determined by a formula negotiated on a lot-by-lot basis were not included in the “Negotiated” category.

The new “Negotiated-Formula” category will reflect the true number and prices of hogs sold through negotiations each day and is expected to increase the number of hogs used to set prices by 50 to 100 percent.

Another new provision requires pigs sold after a 1:30 p.m. deadline for being included in afternoon MPR reports to be included in the next morning’s price report. Hogs purchased after the deadline are, in almost every instance, delivered the following day and, therefore, affect the next day’s market. But those animals weren’t being included in either the morning or afternoon report. Including them adds to the total volume of trades submitted to USDA for the reports, reducing the probability that the agency won’t publish a report because of a shortage of trades, which would violate confidentiality conditions. (Too few trades could lead to identification of companies and how they price hogs.)



ANHYDROUS DELIVERY

NPPC and other agricultural groups pushed for and got an extension of a Dec. 31, 2015, deadline for railroad companies to put positive train control (PTC) technology on about 60,000 miles of the nation’s 140,000 miles of track, which allows rail carriers to continue hauling vital products, including anhydrous ammonia.

PTC automatically stops a train before certain incidents occur, including train-to-train collisions and derailments caused by excessive speed.

Congress voted to extend the deadline for three years after the American Association of Railroads, the U.S. Government Accountability Office and the Federal Railroad Administration indicated that the majority of railroads would not meet the 2015 deadline, which would have meant millions of dollars in federal fines for rail companies and likely prompted them to discontinue on the covered tracks passenger service and freight service.

The provision extending the PTC deadline also would allow an additional two-year extension if certain benchmarks for installing the technology are met.

PORK IN PRISONS

NPPC and Sen. Charles Grassley, R-Iowa, got pork put back on the menus at federal prisons after the Federal Bureau of Prisons (BOP) in October decided to stop serving it at its 122 federal penitentiaries.

The association and the senator separately sent letters to BOP Director Charles Samuels Jr., asking for more details on the decision, with NPPC pointing out that “pork is a very economical, nutrient-dense protein that ought to be a food option for federal prisoners, and the U.S. pork industry has a variety of products that could meet BOP’s needs.”

BOP, which indicated that the decision to pull pork from the menu was based on a survey of federal inmates and on costs, in late October reversed itself.

▼ Nutrient-rich pork goes back to prison.



NPPC Weighs In On Dietary Guidelines, Trucking Rule, Animal

In the science and technology area, the National Pork Producers Council in 2015 was involved in a number of issues affecting pork producers, including ones dealing with using antibiotics, ensuring animal well-being, hauling pigs and exporting pork, and scored big wins on several of those matters.



INTERNATIONAL TRICHINAE STANDARD

Due in part to the efforts of NPPC, the Codex Alimentarius Commission, the U.N.'s food-safety standard-setting body, last year adopted global guidelines that provide a way for countries to define negligible risk for trichinae and establish methods for monitoring risk for it.

NPPC and the National Pork Board provided scientific input on the international guidance, which will help increase U.S. pork exports by hundreds of millions of dollars annually.

A number of countries require testing for trichinae as a precondition to accepting exports of fresh chilled U.S. pork despite the fact that the United States is at negligible risk for the parasite. Trichinae is nearly non-existent in the U.S. pork supply because of increased knowledge of risk factors, adoption of controlled management practices and thorough biosecurity

protocols, but many U.S. trading partners still have concerns over trichinae because of its prevalence in their domestic swine herds, which can result in severe human health issues.

The guidance approved by the Codex commission allows countries to establish a negligible risk "compartment," which must include controlled management conditions for swine herds, ongoing verification of the status of the compartment and a response plan for deviations from negligible risk status. Two years of data collection verifying negligible risk levels through slaughter surveillance, which consists of random sampling, is required to establish a compartment.

Once established, a compartment can be monitored through on-farm audits, surveillance at slaughter or a combination of both. The U.S. pork industry's Pork Quality Assurance (PQA) Plus and the U.S. Department of Agriculture's Trichinae Herd Certification programs will be used to create a compartment in the United States, the world's largest exporter of pork.



HOURS OF SERVICE RULE

An important animal well-being issue NPPC tackled last year involved a federal rule on certain truckers, including livestock haulers.

NPPC fought for and got included in a transportation funding bill, which Congress approved in December, a permanent exemption from the U.S. Department of Transportation Hours-of-Service Rule.

Issued in mid-2013 by DOT's Federal Motor Carrier Safety Administration (FMCSA), the rule requires truck drivers to take a 30-minute rest break for every 8 hours of service. It would have prohibited drivers hauling livestock and poultry from caring for animals during the rest period.

NPPC, on behalf of other livestock, poultry and food organizations, twice – in 2013 and in 2014 – petitioned for and received waivers and temporary exemptions from complying with the regulation. The organization last spring asked the FMCSA to renew the waiver and to extend it for the two-year maximum allowable under federal law, and while the agency granted the waiver, NPPC pressed congressional lawmakers to pass a permanent exemption from the rule.

NPPC argued that the rule would cause livestock producers and their drivers irreparable harm, place the health and welfare of the livestock in their care at risk and provide no apparent increased benefit to public safety – and likely decrease public safety – while forcing the livestock industry and



Well-Being, Animal Disease Issues

its drivers to choose between the humane handling of animals or complying with the rule.

A number of NPPC's other successes in the science and technology area included:

DIETARY GUIDELINES FOR AMERICANS

NPPC weighed in on the 2015 Dietary Guidelines for Americans, which were issued early this year, with public comments on the recommendations made by the Dietary Guidelines Advisory Committee.

Among its recommendations, the advisory panel urged eating less red and processed meat and suggested that a plant-based diet is more sustainable than one including meat.

The organization also lobbied lawmakers to include in a fiscal 2016 catch-all spending bill language prohibiting the U.S. departments of Agriculture and Health and Human Services, which write the dietary guidelines, from releasing and implementing the guidelines unless they're based on significant scientific agreement and adhere to the statutory mandate of the law that requires them.

The final guidelines did not recommend less consumption of meat and did not address the sustainability issue.

The funding bill, which was approved by Congress in December, also allocated \$1 million for reviewing the dietary guidelines process, including establishment of the advisory committee that makes recommendations for the guidelines. Also included in the 2016 spending measure:

ANIMAL HEALTH AND WELFARE

The Secretary of Agriculture is required to establish a process for USDA's Animal and Plant Health Inspection Service (APHIS) to conduct audits or reviews of countries or regions that have received animal disease status recognition.

APHIS would need to look at a country's veterinary control and oversight, disease history and vaccination practices, livestock demographics and traceability, epidemiological separation from potential sources of disease infection, surveillance practices, diagnostic laboratory capabilities and emergency preparedness and response.

The secretary also must ensure that animal welfare standards are being met at federal animal research facilities and report to Congress on USDA's efforts. That directive was in response to attempts by some congressional lawmakers to require such facilities to comply with the Animal

Welfare Act, which could have prevented some research.



ANIMAL DISEASES

APHIS is directed to report to Congress within 90 days (mid-March) on contingency plans to develop an expanded Foot-and-Mouth Disease vaccine bank and a cost estimate for implementation and maintenance of it.

NPPC also pushed for and got in the fiscal 2016 spending measure funding of \$580 million to address emerging and zoonotic infectious diseases, \$550,000 to enhance surveillance of emerging swine disease and \$5 million for APHIS to support the National Animal Health Lab Network.

ANTIBIOTIC RESISTANCE

Additionally, the organization secured funding for addressing antibiotic resistance, including \$8.7 million for the U.S. Food and Drug Administration to use on the White House Combating Antibiotic Resistant Bacteria (CARB) initiative, \$160 million for the Centers for Disease Control and Prevention to use on efforts to stop the spread of drug-resistant bacteria and preserve existing antibiotics and nearly \$110 million for the Department of Health and Human Service to use on studying antibiotic resistance.



The National Pork Producers Council had a very successful year on the international trade front. Here are several important 2015 trade victories for U.S. pork producers:



TRADE PROMOTION AUTHORITY

NPPC helped lead the agricultural coalition in support of Trade Promotion Authority (TPA), which defines objectives and priorities for trade agreements the United States negotiates and establishes consultation and notification requirements for the president to follow throughout the negotiation process.

TPA, which also give Congress authority to review and vote on trade deals, without amendments, was needed to finalize the Trans-Pacific Partnership agreement.

In June, the House voted 218-208 to approve TPA; the Senate passed it on a 60-37 vote. Congress has granted TPA to every president since 1974, with the previous law being approved in August 2002 and expiring July 1, 2007.



TRANS-PACIFIC PARTNERSHIP

The 12-nation TPP, which includes the United States, Australia, Brunei Darussalam,

Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam – which account for 40 percent of global GDP – was concluded in early October after nearly six years of negotiations.

Because of the efforts of NPPC, which led a massive U.S. agricultural campaign to secure the best possible deal for U.S. pork and other products, the Asia-Pacific regional trade agreement eliminates virtually all tariff and non-tariff barriers on U.S. pork exports to the TPP countries.

Iowa State University economist Dermot Hayes, who said a final TPP agreement would be “the most important commercial opportunity ever for U.S. pork producers,” estimates the TPP will exponentially increase U.S. pork exports and help create thousands of U.S. jobs tied to those exports.



SOUTH AFRICA

NPPC – as it did in 2014 – last year continued to raise the profile of pork in South Africa, which was blocking U.S. pork exports through non-science-based barriers, including ones related to porcine reproductive and respiratory syndrome, pseudorabies and trichinae, and helped convince that country to lift its de facto ban.

NPPC used as leverage to highlight the U.S. pork industry’s concerns the September 2015 expiration of the African Growth and Opportunity Act (AGOA), a preferential trade program, which South Africa uses, that provides recipient countries in Sub-Saharan Africa with access to the U.S. market. Among other things, NPPC drafted and spearheaded a letter from many U.S. agricultural groups, expressing concern about the lack of reciprocal market access in South Africa and urging the Obama administration to withdraw or limit South Africa’s AGOA benefits.


In early January 2016, South Africa agreed to partially lift its ban on U.S. pork. NPPC is continuing to work to fully open the South African market.



SHIPPING PORTS

Early last year, a months’ old work slowdown at shipping ports along the West Coast ended after pressure from organizations whose members export products, including NPPC.

NPPC worked with federal officials to help resolve the labor dispute between the Pacific Maritime Association, which represents companies that own West Coast ports, and the International Longshore and Warehouse Union, which represents dock workers. That dispute, which lasted from



Expand U.S. Trade

November 2014 into February 2015, caused major congestion at ports from Vancouver, Wash., to San Diego, Calif., and cost the U.S. meat and poultry sectors hundreds of millions of dollars.

NPPC also weighed in with the Federal Maritime Commission on issues related to shipping, including improving efficiency, logistics and mechanization at port facilities, and it backed port performance legislation that will help avoid future port disruptions in exports.

The port performance bill was included in the Fixing America's Surface Transportation, or FAST, Act, which Congress approved in December. It established the Port Performance Statistics Program, which requires the U.S. Department of Transportation's Bureau of Transportation Statistics to set up a public-private sector working group to develop a set of metrics on port marine terminal productivity.

DOT will collect data on port activity and measure it against established criteria, using the results as an early warning system for determining when ports stop operating normally and for when the federal government needs to step in to protect the economy.



CHILE, PERU TRICHINAE TESTING

In big victories for the U.S. pork industry, Chile and Peru separately agreed to eliminate trichinae testing requirements on chilled U.S. pork based on a U.S. Department of Agriculture certification that the pork originated from Pork Quality Assurance Plus farms. (PQA Plus is an education and training program run by the National Pork Board that certifies that pork operations are meeting their commitments related to animal well-being, food safety, worker safety and environmental protection.)

NPPC worked closely with U.S. government representatives and officials in Chile and Peru to eliminate the testing, which raised the cost of selling chilled pork in the South American countries.

Chile is one of the fastest growing markets in the world for U.S. pork exports since implementation of the U.S.-Chile Free Trade Agreement (FTA) in 2004, with sales rising from about \$100,000 in 2003 to nearly \$50 million in 2014. Exports of U.S. pork to Peru also have increased significantly, jumping from just \$650,000 in 2008 – the year before implementation of the U.S.-Peru FTA – to more than \$6.7 million in 2014.

Based on analyses conducted by Iowa State University economist Dermot Hayes, NPPC expects U.S. pork exports to Chile and Peru to grow even more now that the trichinae testing requirements in each country have been eliminated.

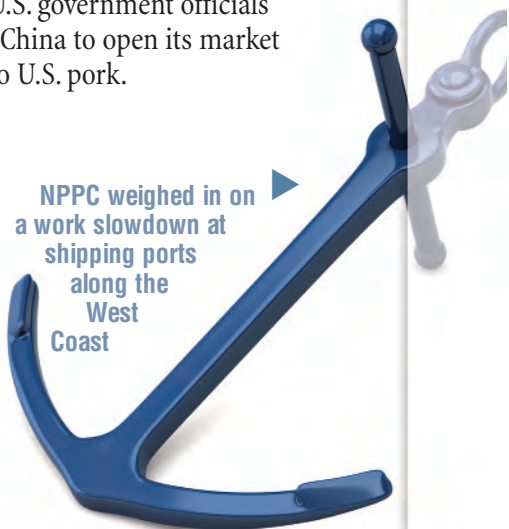


CHINA PORK PLANT RELISTINGS

NPPC was successful in getting U.S. pork establishments, plants and cold storage facilities reapproved for eligibility to export to China, which had delisted a number of them.

The Asian country's General Administration of Quality Supervision, Inspection and Quarantine late last year reinstated the packing plants and storage facilities for eligibility to ship pork to China.

NPPC is continuing to work with U.S. government officials to get China to open its market fully to U.S. pork.



NPPC weighed in on
a work slowdown at
shipping ports
along the
West
Coast

'Waters of the United States' Rule Halted, Lawsuits Related

As it did in 2014, the National Pork Producers Council last year focused much of its attention in the environment and energy areas on the "Waters of the United States" (WOTUS) rule issued by the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers.

The rule, which took effect Aug. 28, was proposed in April 2014 by EPA and the Corps of Engineers to clarify the agencies' authority under the Clean Water Act (CWA) over various waters. That jurisdiction – based on several U.S. Supreme Court decisions – had included "navigable" waters and waters with a significant hydrologic connection to navigable waters. The WOTUS regulation broadened that to include, among other water bodies, upstream waters and intermittent and ephemeral streams such as the kind farmers use for drainage and irrigation. It also encompasses lands adjacent to such waters.

Early last year, NPPC scored a victory on the rule when EPA and the Corps of Engineers agreed to withdraw an interpretive document related to agricultural practices. It listed 56 agricultural activities that would have been exempted from the regulation, but NPPC and other agricultural organizations said it could have required

compliance with U.S. Department of Agriculture conservation practice standards if a covered activity were within a "water of the United States," which EPA and the Corps of Engineers would determine. Failure to comply with the standards could have been viewed as resulting in a discharge to a water of the United States, which requires a CWA permit.

'WOTUS' IMPLEMENTATION



NPPC's big win on the WOTUS rule came in October when a federal appellate court suspended nationwide implementation of the rule until further order of the court.

That decision was made by the U.S. Court of Appeals for the 6th Circuit in Cincinnati, which ruled that there was a substantial likelihood that EPA's WOTUS rule fails to comply with the Supreme Court's instructions in previous CWA cases and that the agency's actions in the rulemaking process, to which NPPC objected at the outset, were "facially suspect."

Before the appeals court can consider the merits of the lawsuit, however, it first must determine if it has jurisdiction over the WOTUS rule. (The CWA calls for U.S. district courts to field challenges to it.)

NPPC early in 2015 joined other agricultural associations and business groups in filing a similar lawsuit in a U.S. District Court in Texas, arguing that the WOTUS rule "bears no connection" to the CWA and violates provisions of the U.S. Constitution. The organizations also alleged that in writing the rule, EPA and the Corps of Engineers misinterpreted the Supreme Court's decisions on CWA jurisdiction and subverted the notice-and-comment process by failing to seek public comments on scientific reports used to write the regulation and on major revisions of the proposed rule, conducting an inadequate economic analysis and engaging in an advocacy campaign during the comment period.

CAFO REPORTING RULE



In another legal victory for pork producers, a U.S. District Court judge in October dismissed a lawsuit brought by animal-rights and environmental activists against EPA over its withdrawal of a proposed CWA rule that would have required livestock and poultry operations to report information about their operations. (In early November, the Supreme Court declined to hear the activists' case.)



To CAFO Regulations Dismissed

EPA's proposed Concentrated Animal Feeding Operation (CAFO) Reporting Rule sought to have farmers submit to the agency information on their operations, including contact information, location of production areas, CWA permit status, the number and type of animals confined and the number of acres available for land application of manure. EPA withdrew the proposal in July 2012.

The proposed rule was prompted by a May 2010 "sweetheart" settlement agreement EPA entered with several environmental groups once it became clear EPA would lose a lawsuit brought by NPPC over the agency's 2008 CAFO rule.

That 2008 regulation required, among other things, that large livestock operations that propose to or that might discharge into waterways obtain CWA permits. (A federal court said the clean water law requires permits only for operations that *actually* discharge.)

CAFO EMISSIONS RULE



The U.S. Supreme Court declined to take a case brought by Iowa environmental activists to force EPA to regulate air emissions from CAFOs under the Clean Air Act.

The activists claimed in *Samuel Zook vs. EPA* that the agency

ignored scientific findings by not setting air standards for ammonium and hydrogen sulfide emitted by CAFOs. They also claimed CAFOs should be listed as stationary sources of air pollution.

A U.S. District Court dismissed the case, and the U.S. Court of Appeals for the District of Columbia Circuit upheld the dismissal, pointing out that under the provision of the Clean Air Act the activists used to bring their lawsuit, only "nondiscretionary acts" can be challenged.

NPPC more than a decade ago negotiated with EPA a consent agreement on air emissions that delayed enforcement of the Clean Air Act on pork operations while the agency conducted a study of emissions from farms and developed standards. (EPA is still working on the emissions standards.)

The Supreme Court's decision not to hear the *Zook* case effectively ended action on it.

EPA FARM DATA RELEASE

NPPC also got a victory early last year when a U.S. District Court issued a protective order against EPA from disclosing to radical environmental and animal-rights groups information on farmers, pending the resolution of a legal challenge brought

by NPPC and the American Farm Bureau Federation over the release of such data.

Without undergoing review, EPA's Office of Water released to several activist groups in February 2013 extensive private and personal information it had collected on farmers in 30 states. After objections from NPPC and other agriculture groups, EPA requested that the activist organizations return the data, but the agency subsequently was prepared to release additional farm information it collected from other states. NPPC and the farm bureau objected to that release, and in July 2014 filed suit against EPA in the U.S. District Court for the District of Minnesota, seeking to enjoin the release of the farmers' private and personal information.

While the court dismissed the suit, claiming that neither NPPC nor the farm bureau had standing to sue since some of the farm data could be obtained from other sources, the two agricultural organizations appealed the ruling and sought a protective order to prevent release of any farm information while the appeal is pending.

EPA gathered the information on farmers despite being forced in 2012 to drop a proposed data reporting rule for CAFOs because of concerns about the privacy and biosecurity of family farms.





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The National Pork Producers Council would like to thank the individuals and organizations who support our mission to be the global voice for the U.S. pork industry.



Because these groups invest their time and resources, NPPC can focus on identifying and addressing critical issues.

- Develop and defend export markets
- Fight for reasonable legislation and regulation
- Inform and educate legislators



NPPC encourages all of you to get involved TODAY to continue to strengthen our industry.

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