

Congress of the United States

Washington, DC 20515

March 4, 2024

The Honorable Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Regan:

On January 23, 2024, the Environmental Protection Agency (EPA) published a proposed rule in the Federal Register – “Clean Water Act Effluent Limitations Guidelines and Standards for the Meat and Poultry Products Point Source Category.”¹ Given the technical complexity and high costs of wastewater treatment alterations, coupled with the massive expansion of the number of regulated facilities, a 60-day comment period demonstrates EPA is not interested in seeking meaningful input from the regulated industry.² **As such, we urge EPA to withdraw the rule.**

This proposed rule revises the Effluent Limitations Guidelines (ELGs) for Meat and Poultry Products (MPP), covering wastewater discharged by meat processors, poultry processors, further processors, and renderers, pursuant to the Clean Water Act’s (CWA) National Pollutant Discharge Elimination System (NPDES) program. Last amended in 2004, the MPP ELGs currently apply to about 180 of the estimated 5,300 MPP facilities nationwide.³ In the proposed rule, three regulatory options are presented, which EPA estimates will impact between 844 and 1,618 facilities, meaning an increase of nearly 900 percent.⁴

Further, the proposed rule is out of alignment with federal initiatives to expand small- and medium-sized independent processing facilities.⁵ The proposed rule exposes hundreds of operators to a new regulatory regime with significant costs and a disregard of the ramifications on stakeholders. In fact, EPA estimates the potential closure of 16 facilities under Preferred Option 1, 22 facilities under Option 2, and 53 facilities under Option 3.⁶ We are concerned the number of potential closures is likely much higher than estimated, and we believe it is irresponsible for EPA to propose regulations that will arbitrarily close plants and eliminate jobs from the rural economy.

¹ Clean Water Act Effluent Limitations Guidelines and Standards for Meat and Poultry Products Points Source Category, 89 Fed. Reg. 4,474 (Jan. 23, 2024), available at <https://www.govinfo.gov/content/pkg/FR-2024-01-23/pdf/2023-28498.pdf> [Hereinafter Proposed Rule].

² *Id.*

³ Effluent Limitations Guidelines and New Source Performance Standards for the Meat and Poultry Points Source Category, 69 Fed. Reg. 54,476 (Sept. 8, 2004), available at <https://www.govinfo.gov/content/pkg/FR-2004-09-08/pdf/04-12017.pdf>; see also SBA, Office of Advocacy Review Panel, Report on EPA’s Planned Proposed Meat and Poultry Products Effluent Limitations Guidelines Rulemaking (Sept. 19, 2023), available at <https://www.epa.gov/system/files/documents/2024-01/mpp-sbar-panel-report-508.pdf> [Hereinafter SBAR Report].

⁴ Proposed Rule, *supra* note 1; SBAR Report, *supra* note 3.

⁵ Meat and Poultry Processing Expansion Program (MPPEP)—Phase 2, USDA-RD (August 24, 2023) available at <https://www.rd.usda.gov/media/file/download/fy23-rbcs-mppep2-notice-8-21-23.pdf>

⁶ Proposed Rule, *supra* note 1.

This costly and technically complex proposed rule would apply to hundreds of meat, poultry, and rendering facilities—many of which are already regulated by the CWA's NPDES permitting program. As Members of Congress representing districts with meat, poultry, and rendering facilities and as Members of Congress who recognize these facilities' essential role within our communities and the larger food supply chain, we urge EPA to withdraw this shortsighted proposal. Further, we demand that the EPA fulfill its duty to earnestly work with the regulated community in any future rulemaking, ensuring that any actions do not compromise our food system.

Sincerely,



Tracey Mann
Member of Congress



Deb Fischer
United States Senator



Glenn "GT" Thompson
Member of Congress



Joni K. Ernst
United States Senator



Steve Womack
Member of Congress



Charles E. Grassley
United States Senator



Austin Scott
Member of Congress



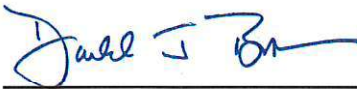
Mike Crapo
United States Senator



Bruce Westerman
Member of Congress



John Barrasso, M.D.
United States Senator



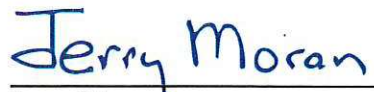
Don Bacon
Member of Congress



James E. Risch
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Ron Estes
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United States Senator



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