

F. JAMES SENSENBRENNER, JR.
FIFTH DISTRICT, WISCONSIN
COMMITTEE ON THE JUDICIARY
COMMITTEE ON SCIENCE
AND TECHNOLOGY



Congress of the United States
House of Representatives
Washington, DC 20515-4905

WASHINGTON OFFICE:
ROOM 2449
RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4905
202-225-5101

DISTRICT OFFICE:
120 BISHOPS WAY, ROOM 154
BROOKFIELD, WI 53005-6294
262-784-1111

OUTSIDE MILWAUKEE METRO
CALLING AREA
1-800-242-1119

January 15, 2009

Stephen L. Johnson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Johnson:

There are many reasons to be concerned with the regulation of greenhouse gases (GHGs) under the Clean Air Act (CAA), but recent press reports highlighting a possible "cow tax" show just how misguided this regulatory effort is. The CAA, which has been effective in regulating air quality, was not written to address the complicated mission of controlling greenhouse gases. Applying it in this way would circumvent the legislative process with disastrous effects on our economy.

Perhaps nowhere would these regulations create more damage than in the agriculture industry, as evidenced by comments filed with the Environmental Protection Agency (EPA) over its Advance Notice of Proposed Rulemaking (ANPR) on using the CAA to regulate GHGs. Applied to agricultural production, these regulations would result in a steep tax on farmers that would affect nearly every American.

As part of its comments, the American Farm Bureau Federation (AFBF) said that if the EPA subjects the agriculture industry to the CAA's Title V permit program, it would result in a \$175 tax on each dairy cow, an \$87.50 tax on each head of beef, and a \$20 tax on each hog.

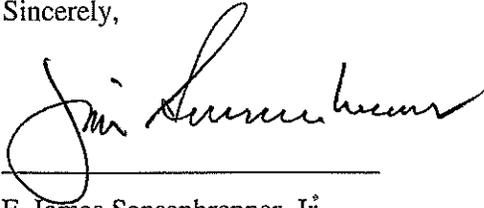
This tax stands to be very expensive for farmers in my state of Wisconsin, as recent Department of Agriculture (USDA) data shows that the state has 1,254,000 dairy cows, 360,000 hogs and 270,000 beef cattle. Using USDA and AFBF estimates, this tax could cost Wisconsin farmers more than \$225 million. I don't believe they could survive a tax increase this steep.

Several federal agencies have raised concerns over using the CAA to combat GHGs, including the USDA, which said the 100-ton-per-year emissions threshold required in Title V of the CAA would cover even "very small agricultural operations." The AFBF noted that many agricultural operations are often unable to pass these costs along to consumers and could force many small farmers out of business.

According to the USDA, the technology to reduce GHGs from livestock does not exist. Therefore, the only way to reduce GHGs from the agriculture industry is to reduce production. The AFBF went further and argued that applying the CAA to the agriculture industry could even lead to an increase in GHG emissions.

I hope that the EPA recognizes the implications of regulating GHG emissions from livestock. I urge you to confirm that EPA's final rule will not include a "cow tax."

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Sensenbrenner", written over a horizontal line.

F. James Sensenbrenner, Jr.