

STAPPA / ALAPCO

STATE AND TERRITORIAL  
AIR POLLUTION PROGRAM  
ADMINISTRATORS

ASSOCIATION OF  
LOCAL AIR POLLUTION  
CONTROL OFFICIALS

S. WILLIAM BECKER  
EXECUTIVE DIRECTOR

May 22, 2006

Director  
Attn: AFO CAFO Confidential Business Information Comments  
Special Litigation and Projects Division (2248A)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Via e-mail: AFOComments@epa.gov

To Whom It May Concern:

The State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO) are pleased to submit these comments on the U.S. Environmental Protection Agency's (EPA's) Notice Regarding Animal Feeding Operation (AFO) Consent Agreement and Final Order ("AFO CA/FO"), as published in the *Federal Register* on May 15, 2006 (71 *Federal Register* 28024). STAPPA and ALAPCO are the two national associations of air quality officials in states, territories and major metropolitan areas across the United States.

In the May 15<sup>th</sup> *Federal Register* notice, EPA requests comment on a proposal to release the names and addresses of AFOs that signed consent agreements with EPA but claimed that their names and addresses were confidential business information (CBI). These agreements were submitted pursuant to EPA's AFO CA/FO, which provides that EPA will waive enforcement of certain provisions of the Clean Air Act and other environmental statutes if an AFO agrees to potentially have its air emissions monitored. Of the 2600 signed agreements EPA received, 1200 contained claims that the agreements included CBI and that the name of the facility and its address were CBI. According to the notice, EPA is preparing to submit the 1200 agreements to the Environmental Appeals Board for approval and EPA is considering disclosing the names and addresses of these 1200 AFOs. The notice states that EPA is only seeking comment from affected AFOs on this proposal.

Though EPA states it is only seeking comment from affected AFOs, we believe it is important for other stakeholders whose interests are affected to weigh in. We strongly believe that the names and addresses of AFOs participating in the AFO CA/FO should be disclosed. State and local air agencies should know which, if any, AFOs in their jurisdictions are participating in the AFO CA/FO. For example, this knowledge would help in answering enquiries from citizens concerned about or interested in monitoring activities occurring at a participating AFO; these types

of questions typically are posed to state and local air agency personnel and not EPA. Further, as with any scientific research project conducted by the government, it is always a good idea to promote transparency, which would be hampered by facility confidentiality.

Thank you for the opportunity to comment. If you have any questions, please feel free to contact either of us or Amy Royden-Bloom, Senior Staff Associate of STAPPA/ALAPCO, at 202-624-7864.

Sincerely,



Shelley Kaderly  
STAPPA co-chair  
Agriculture Committee



Doug Quetin  
ALAPCO co-chair  
Agriculture Committee