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March 25, 2024

U.S. Environmental Protection Agency
EPA Docket Center
EPA-HQ-OW-2021-0736
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: Comments in Response to EPA’s 2024 Proposed Rulemaking on Meat and Poultry Products Effluent Guidelines (Docket EPA-HQ-OW-2021-0736)

Friends of the Earth U.S. (FOE), on behalf of our more than 4.5 million members and supporters in the United States, welcomes this opportunity to provide comments in response to the Environmental Protection Agency’s (EPA) Notice of Proposed Rulemaking to revise the effluent limitations guidelines and standards from meat and poultry processing and rendering (MPP) facilities. The proposed rule is crucial to safeguard our essential water resources that guarantee sustained access to clean and safe water for communities and wildlife throughout the United States. It is also an opportunity for the EPA to uphold its commitment to protect historically underserved and marginalized communities, who bear the greatest burden when it comes to toxic pollution from MPP facilities.

The current policy permits the majority of MPP facilities to discharge harmful pollutants into our nation's waterways and publicly owned treatment works (POTWs). After almost two decades without updates, it is imperative that the agency establish and enforce a rigorous regulation that prioritizes the health and well-being of our ecosystem and its inhabitants. The EPA has a duty to adopt the most comprehensive policy (option 3), which includes mandating indirect and direct dischargers to promptly integrate advanced nitrogen and phosphorus removal technologies, thereby opting for the most environmentally protective solution. Any other option will fall short of ensuring adequate regulation of pollution across all facilities and fail to sufficiently address nitrogen and phosphorus discharges.

MEAT AND POULTRY PROCESSING POLLUTION: IMPACTS ON THE ENVIRONMENT, PUBLIC HEALTH

Each year, roughly 10 billion farm animals are slaughtered for food in the U.S.¹ They are processed by more than 5,000 plants across the country that use a significant amount of water “to wash carcasses and rinse meat, remove hair or feathers, chill meat, and clean, sanitize, and cool processing equipment

¹ *Livestock and Meat Domestic Data, Meat Statistics tables, historical.* (2024, February 28). USDA ERS. <https://www.ers.usda.gov/data-products/livestock-and-meat-domestic-data/livestock-and-meat-domestic-data/#Livestock%20and%20poultry%20slaughter>

and facilities.”² As a result, MPP facilities generate large quantities of untreated, toxic wastewater. The wastewater includes a number of pollutants, such as oil and grease, organic materials, salts, ammonia, and coliform bacteria, among others.³ It also includes high levels of nutrients like phosphorus and nitrogen. In fact, the EPA itself has noted that the MPP industry discharges the highest phosphorus levels and the second highest nitrogen levels of all industrial categories.⁴ That wastewater and its contaminants are then directly discharged into nearby waterways (many of which are already impaired by pollution),⁵ discharged into POTWs, and/or sprayed on the land.⁶ This causes significant environmental degradation. Specifically, MPP facilities’ pollution has led to eutrophication and algal blooms in nearby waterways, jeopardizing the survival of our critical marine ecosystem and threatening the access and sustainability of our vital waterways.⁷

The negative consequences that the pollution from MPP facilities poses on the environment also impact human health. Nitrogen and phosphorus pollution in particular have led to many acute and chronic health issues. Nitrates (a form of nitrogen) cause a variety of health issues including colorectal cancer, thyroid disease, neural tube defects, and methemoglobinemia (also known as blue baby syndrome).⁸ Moreover, waste from these facilities also increases the frequency and concentration of harmful pathogens. For instance, byproducts from poultry processing facilities elevate the risk of contracting the Avian Influenza virus, Salmonella, and Campylobacter.⁹

Like other forms of pollution and contamination, MPP facilities are concentrated in marginalized communities. EPA’s own analysis found that “74% of [meat and poultry processing] facilities that directly discharge to surface waters are within one mile of census block groups with demographic or environmental characteristics of concern.”¹⁰ This intentional placement of facilities places a burden

² Burkhart, K., Bernhardt, C., Pelton, T., Schaeffer, E., and Phillips, A. *Water Pollution from Slaughterhouses*. (2018, October 11). Environmental Integrity Project. <https://environmentalintegrity.org/wp-content/uploads/2018/10/Slaughterhouse-report-2.14.2019.pdf>

³ *Meat and Poultry Effluent Guidelines – 2024 Proposed Rule*. (2024, February 23). EPA. <https://www.epa.gov/eg/meat-and-poultry-products-effluent-guidelines-2024-proposed-rule>

Burkhart, K., Bernhardt, C., Pelton, T., Schaeffer, E., and Phillips, A. *Water Pollution from Slaughterhouses*. (2018, October 11). Environmental Integrity Project. <https://environmentalintegrity.org/wp-content/uploads/2018/10/Slaughterhouse-report-2.14.2019.pdf>

⁴ Clean Water Act Effluent Limitations Guidelines and Standards for the Meat and Poultry Products Point Source Category, 89 F.R. 4474 (proposed January 23, 2024) (to be codified at 40 C.F.R. § 432). <https://www.federalregister.gov/documents/2024/01/23/2023-28498/clean-water-act-effluent-limitations-guidelines-and-standards-for-the-meat-and-poultry-products>

⁵ Burkhart, K., Bernhardt, C., Pelton, T., Schaeffer, E., and Phillips, A. *Water Pollution from Slaughterhouses*. (2018, October 11). Environmental Integrity Project. <https://environmentalintegrity.org/wp-content/uploads/2018/10/Slaughterhouse-report-2.14.2019.pdf>

⁶ Ibid.

⁷ *Nutrient Pollution: The Problem*. (2024, March 6). EPA. <https://www.epa.gov/nutrientpollution/problem>

⁸ Ward, M., Jones, R., Brender, J., et al., (2018, July). Drinking Water Nitrate and Human Health: An Updated Review. *International Journal of Environmental Research and Public Health*. Doi: [10.3390/ijerph15071557](https://doi.org/10.3390/ijerph15071557)

⁹ MacMahon, K., Delaney, L., Kullman, G., et al., (2008). Protecting Poultry Workers from Exposure to Avian Influenza Viruses. *Public Health Reports*. Doi: [10.1177/003335490812300311](https://doi.org/10.1177/003335490812300311) ; Baskin-Graves, L., Mullen, H., Sinisterra, J., et al., (2019, September). Rapid Health Impact Assessment of a Proposed Poultry Processing Plant in Millsboro, Delaware. *International Journal of Environmental Research and Public Health*. Doi: [10.3390/ijerph16183429](https://doi.org/10.3390/ijerph16183429)

¹⁰ *Environmental Assessment for Revisions to the Effluent Limitations Guidelines and Standards for the Meat and Poultry Products Point Source Category*. (2023, December 11). EPA. https://www.epa.gov/system/files/documents/2023-12/mpp_envir-assessment_proposed_dec-2023.pdf

on already disadvantaged communities, who often lack adequate resources and support systems to mitigate the adverse effects of pollution and contamination on their health and well-being, further entrenching systemic inequities.¹¹

Last year, the Biden administration issued its Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice for All. It underscores the rights of every individual to access "clean air to breathe; clean water to drink; safe and healthy foods to eat; and an environment that is healthy, sustainable, climate-resilient, and free from harmful pollution and chemical exposure."¹² However, without rigorous policies and accountability measures targeting major polluters, such as MPP facilities, the commitments in this Executive Order will not be met. Choosing to take the least restrictive policy option will deprive communities of these essential rights, ultimately failing those who are already vulnerable.

CURRENT REGULATIONS ARE WOEFULLY INADEQUATE

The EPA's systematic underregulation of the animal agriculture industry as a whole has endangered both the environment and public health, and the current lax rules around MPP facilities' wastewater discharge are no exception. Many MPP facilities regularly take advantage of the lack of oversight and stringent regulations, accounting for a multitude of continued permit violations, many of which have caused immense damage to the environment and surrounding communities.

For example, in 2012, The Sioux-Preme Packing Company in Sioux County, Iowa, illegally discharged wastewater into a West Branch Floyd River tributary, leading to elevated ammonia levels and the death of approximately 190,000 fish (including game fish) over an 11-mile stretch.¹³ In 2018, Mountaire Farms, a poultry processing facility in Sussex County, Delaware, faced legal challenges due to their practice of spraying poultry waste (filled with nitrates and bacteria) onto nearby farm fields, leading to groundwater pollution. This contamination affected nearby wells, causing gastrointestinal illnesses among nearby community members, and contributed to raised levels of air pollution and harmful odors.¹⁴

These incidents are just a glimpse of the harmful impacts that arise when the industry remains consistently underregulated. By overlooking their misdemeanors and persistently favoring rulings that serve the industry's interests, the EPA is showing vulnerable communities that profit outweighs the

¹¹ Similarly due to systemic racism and economic disparities, the workers in this industry tend to be immigrants, refugees, and people of color, who already lack support and protection from labor exploitation and workforce discrimination. Stuesse, A., Dollar, N. (2020, September 24). *Who are America's meat and poultry workers?* Economic Policy Institute. <https://www.epi.org/blog/meat-and-poultry-worker-demographics/>

¹² *Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice for All*. (2023, April 21). The White House. <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/21/executive-order-on-revitalizing-our-nations-commitment-to-environmental-justice-for-all/>

¹³ *Environmental Assessment for Revisions to the Effluent Limitations Guidelines and Standards for the Meat and Poultry Products Point Source Category*. (2023, December 11). EPA. https://www.epa.gov/system/files/documents/2023-12/mpp_envir-assessment_proposed_dec-2023.pdf

¹⁴ *Environmental Assessment for Revisions to the Effluent Limitations Guidelines and Standards for the Meat and Poultry Products Point Source Category*. (2023, December 11). EPA. https://www.epa.gov/system/files/documents/2023-12/mpp_envir-assessment_proposed_dec-2023.pdf

value of their health and well-being. In fact, according to the Environmental Integrity Project (EIP), based on EPA records between 2016 and 2018, over three quarters (74 of 98) of large meat-processing plants had exceeded their permit limits for nitrogen, fecal bacteria, or other pollutants at least once. More than half of these plants (50 of 98) had five violations, and a third (32 of 98) had at least 10 violations.¹⁵

It is evident that the animal agriculture industry operates with minimal restrictions, and the continued lack of oversight has only resulted in further harm. Without a willingness by the EPA to adopt a rule that prioritizes pollution mitigation and enhanced enforcement to hold companies accountable, industrial animal agriculture's impact will only worsen, posing greater threats to the environment and public health. This rulemaking provides the agency with an opportunity to show that protecting communities and our waterways from toxic pollution is paramount.

THE STRONG RULE OPTION MUST PROMPTLY BE ENACTED

The EPA's mission underscores that we all have the fundamental right to access clean air, water, and a safe environment. Unfortunately, the EPA's inclination towards permissive policies within the animal agriculture sector has perpetuated a pattern of unacceptable underregulation, many times at the expense of our most vulnerable communities. The agency must shift this trend and start to prioritize the implementation of robust and stringent policies.

By promptly enacting option 3, the strictest regulation, the EPA would be exercising its authority and responsibility in overseeing the industrial animal agriculture industry and protecting communities and the environment from toxic, contaminated wastewater. A strong final rule would also affirm the agency's commitment to prioritizing the protection of frontline and environmental justice communities. Through robust regulation, the EPA can uphold its dedication to ensuring a sustainable and equitable future for all. Thank you for your consideration.

Sincerely,

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¹⁵ Burkhart, K., Bernhardt, C., Pelton, T., Schaeffer, E., and Phillips, A. *Water Pollution from Slaughterhouses*. (2018, October 11). Environmental Integrity Project. <https://environmentalintegrity.org/wp-content/uploads/2018/10/Slaughterhouse-report-2.14.2019.pdf>