

**As Adopted by the Senate**

**128th General Assembly  
Regular Session  
2009-2010**

**S. C. R. No. 8**

**Senators Grendell, Gibbs**

**Cosponsors: Senators Carey, Schaffer, Buehrer, Cafaro, Cates, Faber,  
Gillmor, Goodman, Harris, Schiavoni, Schuring, Seitz, Strahorn, Wilson,  
Hughes, Widener**

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**CONCURRENT RESOLUTION**

To memorialize the Administrator of the United States 1  
Environmental Protection Agency to refrain from 2  
adopting any new regulations governing greenhouse 3  
gas emissions from livestock that would impose 4  
permit fees on livestock producers, and to 5  
memorialize the Congress of the United States to 6  
enact legislation introduced by United States 7  
Senators John Thune and Charles Schumer that 8  
proposes to amend Title V of the Clean Air Act to 9  
establish appropriate exemptions for livestock 10  
producers. 11

**BE IT RESOLVED BY THE SENATE OF THE STATE OF OHIO (THE HOUSE OF  
REPRESENTATIVES CONCURRING):**

WHEREAS, The livestock industry is vital to the economy and 12  
food supply of Ohio and the United States. Ohio livestock 13  
producers add nearly \$2 billion of economic output to the Ohio 14  
economy each year, and the livestock industry provides jobs to 15  
thousands of Ohioans; and 16

WHEREAS, In the case of *Massachusetts v. Environmental* 17  
*Protection Agency*, 549 U.S. 497 (2007), the United States Supreme 18

Court recognized that greenhouse gases are pollutants within the meaning of the federal Clean Air Act; and

WHEREAS, Title V of the Clean Air Act requires any entity with emissions of pollutants in excess of one hundred thousand tons per year to obtain an operating permit. The United States Department of Agriculture (USDA) has recognized that a livestock producer with more than twenty-five dairy cattle, fifty beef cattle, or two hundred hogs would exceed that threshold for greenhouse gas emissions. Thus, according to USDA, Title V permit requirements under the Clean Air Act might impact up to 99% of all milk production, 90% of all beef production, and 95% of all hog production nationally; and

WHEREAS, Permit fees levied under Title V of the Clean Air Act would impose an unprecedented burden on Ohio livestock producers and limit their ability to compete in the global marketplace. Such a burden would most definitely result in the reduction of livestock production in Ohio and the United States, a loss of jobs, and a loss to the gross domestic product of Ohio and the United States; and

WHEREAS, While protecting the environment and curbing emissions of harmful pollutants is a growing concern, it is not acceptable to impose a virtual tax on livestock producers considering that the atmospheric environmental impacts of livestock, if any, have not been proven to directly cause or contribute to any global warming phenomenon attributable to greenhouse gases; and

WHEREAS, United States Senator John Thune from South Dakota and United States Senator Charles Schumer from New York have introduced S.527 that, if enacted, will prevent the USEPA from imposing fees on livestock producers under Title V of the Clean Air Act by specifying that Title V does not apply to methane emissions from livestock agriculture; now therefore be it

RESOLVED, That we, the members of the 128th General Assembly 51  
of the State of Ohio, in adopting this resolution, urge the United 52  
States Environmental Protection Agency to refrain from adopting 53  
any new regulations governing greenhouse gas emissions from 54  
livestock that would impose permit fees on livestock producers; 55  
and be it further 56

RESOLVED, That we, the members of the 128th General Assembly 57  
of the State of Ohio, in adopting this resolution, urge the United 58  
States Congress to enact S.527, which proposes to amend Title V of 59  
the Clean Air Act to establish appropriate exemptions for 60  
livestock producers; and be it further 61

RESOLVED, That the Clerk of the Senate transmit duly 62  
authenticated copies of this resolution to the Administrator of 63  
the United States Environmental Protection Agency, the Speaker and 64  
Clerk of the United States House of Representatives, the President 65  
Pro Tempore and Secretary of the United States Senate, the members 66  
of the Ohio Congressional delegation, and the news media of Ohio. 67