

**As Introduced**

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

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

**Senators Grendell, Gibbs  
Cosponsors: Senators Carey, Schaffer**

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**CONCURRENT RESOLUTION**

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

**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  
food supply of Ohio and the United States. Ohio livestock  
producers add nearly \$2 billion of economic output to the Ohio  
economy each year, and the livestock industry provides jobs to  
thousands of Ohioans; and

WHEREAS, In the case of *Massachusetts v. Environmental  
Protection Agency*, 549 U.S. 497 (2007), the United States Supreme  
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 21  
with emissions of pollutants in excess of one hundred thousand 22  
tons per year to obtain an operating permit. The United States 23  
Department of Agriculture (USDA) has recognized that a livestock 24  
producer with more than twenty-five dairy cattle, fifty beef 25  
cattle, or two hundred hogs would exceed that threshold for 26  
greenhouse gas emissions. Thus, according to USDA, Title V permit 27  
requirements under the Clean Air Act might impact up to 99% of all 28  
milk production, 90% of all beef production, and 95% of all hog 29  
production nationally; and 30

WHEREAS, Permit fees levied under Title V of the Clean Air 31  
Act would impose an unprecedented burden on Ohio livestock 32  
producers and limit their ability to compete in the global 33  
marketplace. Such a burden would most definitely result in the 34  
reduction of livestock production in Ohio and the United States, a 35  
loss of jobs, and a loss to the gross domestic product of Ohio and 36  
the United States; and 37

WHEREAS, While protecting the environment and curbing 38  
emissions of harmful pollutants is a growing concern, it is not 39  
acceptable to impose a virtual tax on livestock producers 40  
considering that the atmospheric environmental impacts of 41  
livestock, if any, have not been proven to directly cause or 42  
contribute to any global warming phenomenon attributable to 43  
greenhouse gases; and 44

WHEREAS, United States Senator John Thune from South Dakota 45  
and United States Senator Charles Schumer from New York have 46  
introduced S.527 that, if enacted, will prevent the USEPA from 47  
imposing fees on livestock producers under Title V of the Clean 48  
Air Act by specifying that Title V does not apply to methane 49  
emissions from livestock agriculture; now therefore be it 50

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