

**As Reported by the Senate Environment and Natural Resources
Committee**

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

S. C. R. No. 8

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

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.

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**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

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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

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meaning of the federal Clean Air Act; and 20

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