

Guide for the Agriculture and Livestock Sectors



Final Rule: Mandatory Reporting of Greenhouse Gases

This document is intended to highlight key information about the Mandatory Reporting of Greenhouse Gases (GHGs) rule for the agriculture and livestock sectors. For additional information, please view the rule itself and the general FAQs available at: www.epa.gov/climatechange/emissions/ghgrulemaking.html. For more information on the reporting requirements for manure management systems, please view 40 CFR part 98, subpart JJ of the rule and also see the Manure Management information sheet.

NOTE: EPA will not be implementing subpart JJ of the Mandatory GHG Reporting Rule using funds provided in its FY2010 appropriations due to a Congressional restriction prohibiting the expenditure of funds for this purpose.

Are emissions from agricultural sources covered in the rule?

Livestock facilities with manure management systems that contain any of the components as defined in Subpart JJ of the rule and that have emissions equal to or greater than 25,000 metric tons of carbon dioxide equivalent (CO₂e) per year from a manure management system are required to report. No other GHG emission sources associated with agriculture are covered. Thus, enteric fermentation (emissions of methane from the digestive system of cattle and other ruminant livestock), rice cultivation, field burning of agricultural residues, composting (unless a component of a manure management system), agricultural soils, and carbon storage in living biomass or harvested wood products are not covered under this reporting requirement. These sources are not included in the rule because currently available practical methods to estimate facility-level emissions for these sources can be difficult to implement and can yield uncertain results, the emissions come from a large number of small emitters and facility-level reporting would not improve knowledge of emissions relative to national-level emissions models and databases.

Are dairy or beef producers required to report on annual enteric fermentation emissions of methane (i.e., methane emissions from the digestive processes of cattle)?

No. The rule does not require reporting of emissions of methane from ruminant animals via enteric fermentation.

What is a manure management system/facility?

A manure management system stabilizes or stores livestock manure in one or more of the following system components:

- Uncovered anaerobic lagoons
- Liquid/slurry systems (with and without crust covers, and including but not limited to ponds and tanks)
- Storage pits
- Digesters, including covered anaerobic lagoons
- Solid manure storage
- Drylots, including feedlots
- High-rise houses for poultry production (poultry production without litter)

- Poultry production with litter
- Deep bedding systems for cattle and swine
- Manure composting
- Aerobic treatment

Any of the above components occurring at the facility, as defined as follows, is included.

Facility means any physical property, plant, building, structure, source, or stationary equipment located on one or more contiguous or adjacent properties in actual physical contact or separated solely by a public roadway or other public right-of-way and under common ownership or common control, that emits or may emit any GHGs. Operators of military installations may classify such installations as more than a single facility based on distinct and independent functional groupings within contiguous military properties.

How many livestock facilities are required to report emissions from manure management systems?

Manure management systems for livestock manure emitting equal to or greater than 25,000 metric tons CO₂e per year are required to report under this rule. EPA's analysis of this emission source estimates 100-110 of the largest livestock facilities would be required to report at the 25,000 metric tons CO₂e per year threshold level.

Do non-livestock farmers have to report under this rule?

Emission sources associated with agriculture, other than from manure management systems on livestock facilities that contain any of the components as defined in subpart JJ of the rule, are not covered by this rule. Agricultural emission sources that are not covered under the rule include enteric fermentation (emissions of methane from the digestive system of cattle and other ruminant livestock), rice cultivation, field burning of agricultural residues, composting (unless a component of a manure management system), agricultural soils, and carbon storage in living biomass or harvested wood products. However, any facility, including farms, with a covered source category such as stationary combustion with emissions over the 25,000 metric tons CO₂e per year threshold will be required to report. Please view 40 CFR part 98, subpart C of the rule and view the information sheet on Stationary Fuel Combustion Sources.

How does this action fit with other actions taken by EPA that relate to livestock agriculture?

A number of ongoing data collection efforts unrelated to this rule are occurring at facilities with manure management systems. EPA reviewed several of these programs, including the National Air Emissions Monitoring Study (NAEMS), the U.S. Department of Agriculture's (USDA's) Animal and Plant Health Inspection Service (APHIS), USDA's Census of Agriculture, the National Pollutant Discharge Elimination System (NPDES), and a variety of voluntary GHG reporting programs. EPA determined that none of the programs collect all the information necessary to estimate farm-level GHG emissions from all the manure management systems that are required to report at the threshold given in the rule.

Does this rule impose a tax or other levy on beef cattle or dairy producers?

No. This rule does not impose fees or taxes on livestock or livestock producers or any other facility covered by this rule. This rule simply requires reporting of GHG emissions from facilities with manure management systems that emit GHGs at a level equal to or greater than 25,000 metric tons CO₂e per year.

Which livestock facilities are required to report under the rule?

Owners or operators are responsible for determining if a facility meets the reporting threshold of 25,000 metric tons CO₂e per year. The final rule contains a table that presents average annual animal population values for specific livestock operations (i.e., beef, dairy, swine, and poultry). Facilities that have average annual animal population values below those shown in the table will not be required to report or complete the calculations to determine whether they need to report. Owners or operators of facilities that are not excluded from reporting due to the table thresholds may need to assess their system against the requirements of 40 CFR part 98, subpart JJ of the rule. EPA has developed an online applicability tool that will assist potential reporters to assess whether they will be required to report, located at: <http://www.epa.gov/climatechange/emissions/GHG-calculator/index.html>.

How much will complying with the reporting requirements in the rule cost?

EPA estimates that the average cost to gather the required data and do the emission calculations is approximately \$900 per facility for the first year and \$400 per facility for subsequent years. In addition to those costs, EPA used a conservative estimate for recordkeeping and reporting activities—\$1700 and \$500 per year per facility, respectively. More information about the costs of testing can be found in the Regulatory Impact Analysis (EPA-HQ-OAR-2008-0509-002).

What is the schedule for reporting?

Facilities must begin collecting data on January 1, 2010. The first emission report is due to EPA on March 31, 2011, for emissions during 2010. Reports must be submitted annually to EPA.

For more information

This document is provided solely for informational purposes. It does not provide legal advice, have legally binding effect, or expressly or implicitly create, expand, or limit any legal rights, obligations, responsibilities, expectations, or benefits in regard to any person. The series of information sheets is intended to assist reporting facilities/owners in understanding key provisions of the final rule.

Visit EPA's Web site (www.epa.gov/climatechange/emissions/ghgrulemaking.html) for more information, including the final preamble and rule, additional information sheets on specific industries, the schedule for training sessions, and other documents and tools. For questions that cannot be answered through the Web site, please contact us at: ghgmrr@epa.gov.