

Congress of the United States
Washington, DC 20515

February 11, 2010

Administrator Lisa Jackson
U.S. Environmental Protection Agency
Office of Administrator Room 3000
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Jackson:

We write to you today to urge the Environmental Protection Agency to finalize a rule exempting milk storage facilities from Spill, Prevention, Control, and Countermeasure (SPCC) regulations.

As you know, EPA is granted authority to administer the SPCC program in efforts to prevent oil discharges into U.S. waterways. SPCC regulations require facilities that store or use significant quantities of oil or fuel develop a prevention plan in order to prevent and contain any potential spills on site. While the lessons of the Gulf oil spill and other incidents have proven that more preventative action is needed, unfortunately, under the definition set forth by the SPCC program, milk is classified in the same category as petroleum due to its animal fat content. While this issue has been brought up before, it has failed to come to a close, and continues to loom over the heads of dairy producers who are already under economic duress.

Enacted in 1995, the Edible Oil Regulatory Reform Act was intended to correct this misclassification. This legislation mandated that all federal agencies differentiate between oils, animal fats, and grease in its regulations. However, 15 years later, the issue that this law was intended to rectify still exists, exemplified by the classification of milk in the same category as oil.

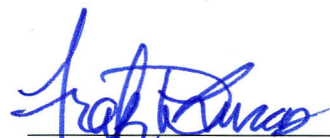
On January 15, 2009, EPA announced its proposed rulemaking for exempting milk containers from SPCC requirements. While the EPA has extended the compliance deadline specifically to address SPCC requirement for milk and milk product containers, the agency has failed to finalize the suggested exemption over the last two years. This lack of clarity has created great concern and uncertainty within the dairy industry, whom all the while have been regulated by the Food and Drug Administration.

It is evident that extending SPCC regulations to the dairy industry is excessive, overreaching, and unnecessary. We ask that EPA move immediately to finalize the proposed rule that would permanently exempt certain milk containers and associated piping and appurtenance from the Spill Prevention, Control, and Countermeasure program.

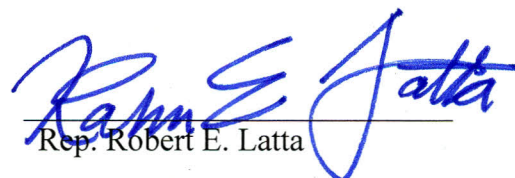
Thank you for your prompt attention to this request, and we look forward to your response.

Sincerely,


Rep. Candice S. Miller

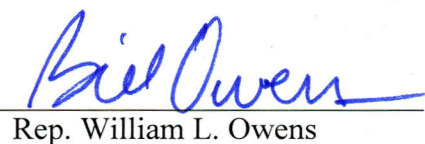

Rep. Frank D. Lucas

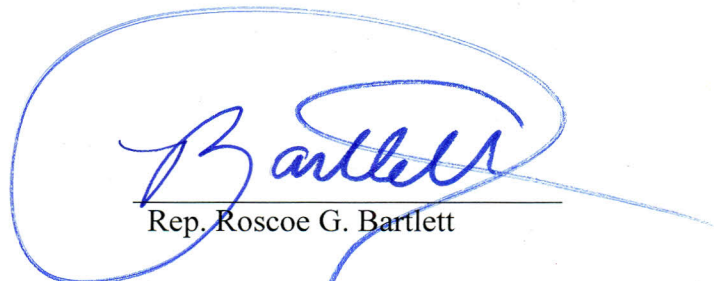

Rep. Joe Courtney

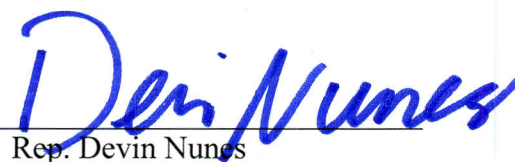

Rep. Robert E. Latta

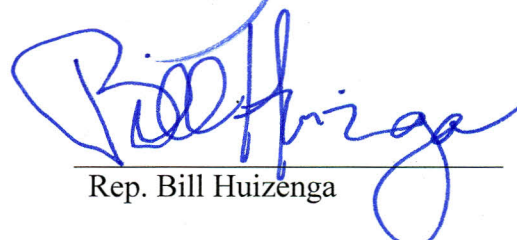

Rep. Jeff Denham

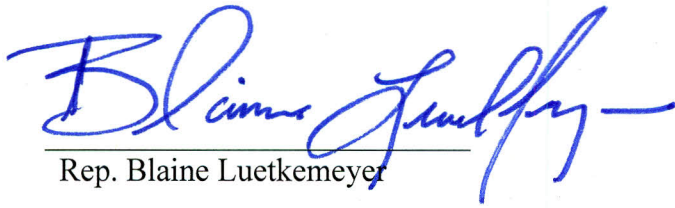

Rep. Sam Graves

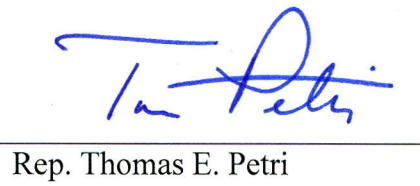

Rep. William L. Owens


Rep. Roscoe G. Bartlett

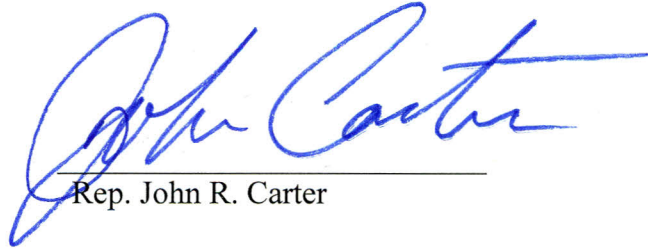

Rep. Devin Nunes


Rep. Bill Huizenga

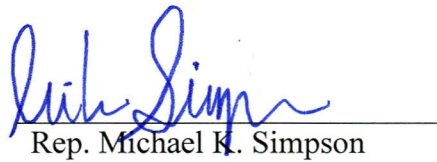

Rep. Blaine Luetkemeyer

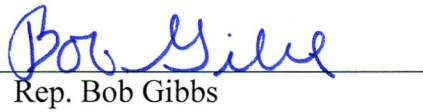

Rep. Thomas E. Petri


Rep. Tim Holden


Rep. John R. Carter


Rep. Lynn Jenkins


Rep. Michael K. Simpson


Rep. Bob Gibbs