

Environment & Energy Daily

Republican says EPA shouldn't cry over spilled milk

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By Paul Quinlan

Michigan Republican Candice Miller wants U.S. EPA to lay off the milk.

Rep. Miller introduced a bill yesterday that would exempt milk storage tanks from a U.S. EPA safety rule that applies to large oil containers located near waterways.

EPA's rule states that the owners of certain large oil tanks with the potential to spill into nearby waters must have a plan in place to prevent or deal with such mishaps.

The rule applies to storage containers with a capacity of at least 1,320 gallons, or buried tanks that hold more than 42,000 gallons, that hold "oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil and oily mixtures," according to the EPA definition of "oil."

That includes not only animal fat, grease and vegetable oil, according to EPA, but also -- to the frustration of many within dairy industry -- milk that contains a certain percentage of animal fat, a non-petroleum oil.

"EPA must understand that spilt milk is not the same as oil," Miller said in a statement. Under the George W. Bush administration, EPA published several exemptions to the rule, including one that exempted milk storage. But the exemption, proposed on January 2009, was halted from moving forward as part of the incoming Obama administration's freeze on all pending rules and policies proposed under Bush.

Since then, "EPA has signaled that it is not willing to finalize the proposed exemption rule on dairy," according to Miller's office. EPA could not immediately comment on the status of the exemption.

Miller's bill would force EPA to finalize the exemption within 30 days.

In a statement, Miller said EPA's rule, as is, places "undue, over-burdensome regulatory requirements on our dairy producers and will cause a financial strain on a vital industry." Given Michigan's geography, the rule hits the dairy industry in Miller's district -- the "thumb" on the southeast side of the state surrounded by water -- especially hard.

Rep. Frank Lucas (R-Okla.), ranking member of the House Agriculture Committee, called the stalled exemption "the latest example of an out-of-touch" EPA.

"It seems as if every day we wake up to find the Obama administration pursuing one extreme agenda item after another with an arrogant disregard for the impact these policies will have on America's agriculture producers," Lucas said.