

115TH CONGRESS  
2D SESSION

# S. 2421

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide an exemption from certain notice requirements and penalties for releases of hazardous substances from animal waste at farms.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2018

Mrs. FISCHER (for herself, Mr. DONNELLY, Mr. BARRASSO, Mr. ROUNDS, Mr. ROBERTS, Ms. HEITKAMP, Mr. COONS, Mr. CARPER, Ms. DUCKWORTH, Mr. ISAKSON, Mr. WARNER, Mrs. ERNST, Mrs. MCCASKILL, Mr. INHOFE, Mr. MANCHIN, Mr. MORAN, Ms. KLOBUCHAR, Mr. WICKER, Ms. SMITH, Mr. HOEVEN, Mr. CASEY, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide an exemption from certain notice requirements and penalties for releases of hazardous substances from animal waste at farms.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Agricultural Re-  
5 porting Method Act” or the “FARM Act”.

1 **SEC. 2. EXEMPTIONS FROM CERTAIN NOTICE REQUIRE-**  
 2 **MENTS AND PENALTIES.**

3 Section 103 of the Comprehensive Environmental Re-  
 4 sponse, Compensation, and Liability Act of 1980 (42  
 5 U.S.C. 9603) is amended by striking subsection (e) and  
 6 inserting the following:

7 “(e) **APPLICABILITY TO REGISTERED PESTICIDE**  
 8 **PRODUCTS AND AIR EMISSIONS FROM ANIMAL WASTE AT**  
 9 **FARMS.—**

10 “(1) **IN GENERAL.—**This section shall not apply  
 11 to—

12 “(A) the application of a pesticide product  
 13 registered under the Federal Insecticide, Fun-  
 14 gicide, and Rodenticide Act (7 U.S.C. 136 et  
 15 seq.) or the handling and storage of such a pes-  
 16 ticide product by an agricultural producer; or

17 “(B) air emissions from animal waste (in-  
 18 cluding decomposing animal waste) at a farm.

19 “(2) **DEFINITIONS.—**In this subsection:

20 “(A) **ANIMAL WASTE.—**

21 “(i) **IN GENERAL.—**The term ‘animal  
 22 waste’ means feces, urine, or other excre-  
 23 ment, digestive emission, urea, or similar  
 24 substances emitted by animals (including  
 25 any form of livestock, poultry, or fish).

1                   “(ii) INCLUSIONS.—The term ‘animal  
2                   waste’ includes animal waste that is mixed  
3                   or commingled with bedding, compost,  
4                   feed, soil, or any other material typically  
5                   found with such waste.

6                   “(B) FARM.—The term ‘farm’ means a  
7                   site or area (including associated structures)  
8                   that—

9                   “(i) is used for—

10                               “(I) the production of a crop; or

11                               “(II) the raising or selling of ani-  
12                               mals (including any form of livestock,  
13                               poultry, or fish); and

14                   “(ii) under normal conditions, pro-  
15                   duces during a farm year any agricultural  
16                   products with a total value equal to not  
17                   less than \$1,000.”.

18 **SEC. 3. APPLICATION.**

19                   Nothing in this Act or an amendment made by this  
20 Act affects, or supersedes or modifies the responsibility  
21 or authority of any Federal official or employee to comply  
22 with or enforce, any requirement under the Comprehensive  
23 Environmental Response, Compensation, and Liability Act  
24 of 1980 (42 U.S.C. 9601 et seq.), other than the haz-  
25 ardous substance notification requirements under section

1 103 of that Act (42 U.S.C. 9603) with respect to air emis-  
2 sions from animal waste at farms.

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