

United States Senate

WASHINGTON, DC 20510

June 4, 2013

The Honorable Bob Perciasepe
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, D.C. 20460

Dear Acting Director Perciasepe:

The Environmental Protection Agency (EPA) released farm information for 80,000 livestock facilities in 30 states as the result of a Freedom of Information Act (FOIA) request from national environmental organizations. It is our understanding that the initial release of data contained personal information that was not required by the FOIA request for ten states including Arizona, Colorado, Georgia, Indiana, Illinois, Michigan, Montana, Nebraska, Ohio and Utah. This release included names and personal addresses. EPA redacted the initial data and resent the data only to realize they had again sent out personal information for Montana and Nebraska.

We are writing today to express concern regarding the sensitivity of the data that was released. Unlike most regulated facilities, farms and ranches are also homes and information regarding these facilities should be treated and released with that understanding. We also understand there are additional concerns regarding biosecurity and the safety of our food supply. It is our expectation that EPA will conduct a thorough review of their FOIA policies in relation to sensitive agriculture producer data.

Finally, we have several outstanding questions regarding the data that was released and your process.

1. When EPA proposed making similar data available last year through the National Pollutant Discharge Elimination System (NPDES) Concentrated Animal Feeding Operation (CAFO) Reporting Rule, the Department of Homeland Security and the Department of Agriculture expressed concern due to the biosecurity and producer security implications. This proposal was later withdrawn. Since these agencies have been engaged on the issue in the past, did the EPA consult with the Department of Agriculture or the Department of Homeland Security at any point throughout this process?
2. We understand that some of the livestock operations whose data was released did not meet the threshold to be qualified as a CAFO. Under what authority did you release this data? Did the FOIA specifically request this data? If not, why was this data released and why was this information not redacted with the other unnecessary data? Why did EPA collect data on small farmers under the CAFO threshold in the first place? What environmental concern does the EPA have that justifies collecting data on farmers who may only have a few animals? As an example, the information EPA compiled on Iowa farmers included the information on an individual who had one pig, and another

individual who had 12 horses. These are just two examples of individuals included in the 80,000 farms that have only a few animals; there are examples in other states of this type of data collection as well. What purpose is served in collecting data on people who only have a few animals?

3. What does the EPA plan to do in the future to ensure that agricultural data is protected?

Thank you for your attention to this matter, we look forward to your response.

Sincerely,

Debbie Stabenow

Chuck Grassley

Joe Donnelly

Don Cook

Al Franken

Pat Roberts

John Boozman

Amy Klobuchar

Max Baucus

Joe Stump

Jamy Baldi

Mike Crapo

Joe Kirk

Thad Cochran

Tom Hank

Sayby Chaublin

Kay R. Hazan

MM F. R. T

John Barrasso

Jay Snow

Rob Stanton

Michael B. Eiji

Kay Bent

Jimmy Tom