



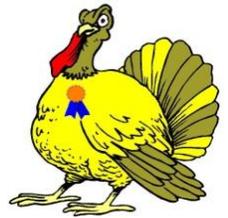
THE RSC GOLDEN TURKEY AWARD

Who Cries Over Spilt Milk? The EPA

March 2011



The RSC Golden Turkey award highlights absurd and ridiculous – yet obscure – government regulations. These bureaucratic rules hit taxpayers' wallets with a one-two punch. First you pay to enforce them, then you pay to follow them.



IN THIS MONTH'S EDITION: The Environmental Protection Agency (EPA) recently discovered that milk contains "a percentage of animal fat, which is a non-petroleum oil." What did the EPA decide to do next? Regulate it.

A new EPA rule will subject dairy farmers to the Spill Prevention, Control and Countermeasure program, which was created in 1970 with the intention of preventing oil discharges in navigable waters or near the shore. Since milk fat contains oil, the EPA supposedly has the authority to force farmers to comply with their new regulations to file "emergency management" plans on how they will deal with spilt milk. Farmers will also be required to train first responders and build containment facilities to prepare for a flood of spilled milk. The rule requires that these emergency protocols be in place by November 10, 2011, and the U.S. Department of Agriculture has initiated a \$3 million pilot program through the [Natural Resources Conservation Service](#) "to help farmers and ranchers comply with on-farm oil spill regulations."

This new rule would cover any farm with above ground storage capacity of over 1,320 gallons, or more than 42,000 gallons in buried containers. This will result in increased cost to our farmers, which will inevitably be passed on to consumers in the form of higher prices. It's important to note that increased prices will not occur solely in the price of a gallon of milk, but since milk is a product that is used everywhere from food production facilities to restaurants, this will affect nearly every American family. Not only will taxpayers be subject to a higher cost of milk and milk-made products, but taxpayers are going to have to fork over more for the EPA to hire additional employees to inspect farms and farmers reports, and potentially prosecute farmers that do not adhere to the EPA's new regulation.

According to the [Wall Street Journal](#), the final rule is not as tough as what the EPA originally wished-for. The EPA initially wanted the authority over the design specifications of "milk containers and associated piping and appurtenances." However, this is already regulated by the Food and Drug Administration, the USDA, and various other state inspectors. The EPA gave way and stated "While these measures are not specifically intended for oil spill prevention, we believe they may prevent discharges of oil in quantities that are harmful."

As President Obama stated the need to fix "rules that put an unnecessary burden on businesses" in his [State of the Union Address](#), but has yet to show any action, it's time that Congress remind the EPA that they have overstepped their boundaries, and it's time for their funding to be cut. It's only fitting that the first ever RSC Golden Turkey Award be presented to the Environmental Protection Agency for their role in punishing the nation's farmers, all in the name of spilt milk.

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