

Essential Components of a Strong Proposed Rule and Other Considerations Related to Revising Effluent Limitation Guidelines and Publishing Pretreatment Standards for the Meat and Poultry Products Industrial Point Source Category

Prepared by: Animal Legal Defense Fund, Black Warrior Riverkeeper, Center for Biological Diversity, Comite Civico del Valle, Earthjustice, Environment America, Environmental Integrity Project, Food and Water Watch, Middle Susquehanna Riverkeeper, Waterkeeper Alliance, Waterkeepers Chesapeake

I. Essential Components of a Strong Proposed Rule

A. Environmental Justice

- Pollution from slaughterhouses and rendering facilities overwhelmingly harms vulnerable and under-resourced communities.
- Most direct-discharging slaughterhouses and rendering facilities are located within one mile of populations that, on average, EPA classifies as “low income,” “linguistically isolated,” or at high risk of exposure to toxic substances.
- Indirect-discharging slaughterhouses and rendering facilities also exacerbate injustice. Using data provided by EPA, our coalition found that these facilities tend to be located within one mile of communities classified as “low income” or “minority.”
- To make things worse, slaughterhouses and rendering facilities are often located near additional slaughterhouses, rendering facilities, concentrated animal feeding operations, and other sources of pollution, compounding the risks they pose.
- In setting effluent limitation guidelines and pretreatment standards, EPA has authority to consider a range of “appropriate” factors. Given the serious injustice associated with slaughterhouse water pollution, EPA should take environmental justice into account as part of a strong proposed rule.

B. Appropriately Stringent Effluent Limitation Guidelines Governing Nitrogen, Phosphorus, and Other Pollutants

- A strong rule must also include appropriately stringent effluent limitation guidelines governing nitrogen, phosphorus, and other pollutants.
- Wastewater from slaughterhouses and rendering facilities typically contains nitrogen and phosphorus, as well as blood, fat, oil and grease, fecal bacteria, disease-causing pathogens, detergents, and heavy metals.
- According to EPA, slaughterhouses and rendering facilities generate approximately 16.5 million pounds of nitrogen and 2.84 million pounds of phosphorus every year, making

these facilities the largest industrial source of phosphorus pollution and the second largest industrial source of nitrogen pollution.

- Nonetheless, EPA’s existing effluent limitation guidelines do not include guidelines for phosphorus or for other pollutants such as chloride.
- Even for those pollutants covered under EPA’s existing guidelines, EPA’s own data and conclusions leave no doubt that the guidelines lag far behind the standard imposed by the Clean Water Act, which requires EPA to base guidelines for pollutants such as nitrogen and phosphorus on the performance of the best-performing plant in an industrial field.
- EPA has repeatedly acknowledged that many slaughterhouses and rendering facilities discharge pollutants at levels well below those allowed under the existing guidelines.
- For example, from 2016-2018, the best-performing quartile of meat slaughterhouses and rendering facilities discharged total nitrogen at levels over 74 times lower than the currently applicable guideline allows.
- If EPA were to require the dirtiest, worst-performing slaughterhouses and rendering facilities to match the performance of the best performers, it could prevent a significant amount of pollution from reaching our nation’s waterways.
 - According to EPA, in 2015, the 24 dirtiest slaughterhouses and rendering facilities discharged over 5.2 million pounds of nitrogen, while the 25 cleanest facilities discharged only 183,395 pounds of nitrogen.
- EPA’s inappropriately lax guidelines are especially concerning because wastewater from slaughterhouses and rendering facilities poses serious threats to people and the environment.
- For instance, exposure to nitrogen compounds in drinking water can cause colorectal cancer, thyroid disease, birth defects, and—in infants under six months of age—methemoglobinemia, or “blue baby syndrome,” a potentially fatal condition.
- In addition, nitrogen and phosphorus pollution causes algal blooms, which can render water unsafe for drinking, unfit for recreation, and uninhabitable for aquatic life. On the Shenandoah River, pollution from slaughterhouses and rendering facilities feeds algal blooms that are so thick that it is impossible to paddle a kayak, let alone fish. As the algae die and decompose, they consume oxygen, giving rise to “dead zones” in iconic waterways such as Chesapeake Bay and the Gulf of Mexico.
- Fat and other solid pollutants in wastewater from slaughterhouses and rendering facilities can harm wildlife directly—for instance, by clogging fish gills, potentially resulting in asphyxiation—and indirectly, by creating anaerobic conditions during decomposition and thereby degrading habitat for fish, shellfish, and other aquatic species.

- Concerns about water pollution from slaughterhouses and rendering facilities has fundamentally changed the ways in which people across the country interact with their local waterbodies.

C. Appropriately Stringent Pretreatment Standards

- According to EPA, approximately 95 percent of discharging slaughterhouses and rendering facilities discharge waste indirectly through publicly owned treatment works, also known as POTWs.
- EPA has long warned that indirect-discharging slaughterhouses and rendering facilities should avoid discharging wastewater to POTWs without prior treatment, because slaughterhouses and rendering facilities generate wastewater containing pollutants, such as nitrogen compounds and phosphorus, which are not susceptible to treatment by POTWs.
- However, EPA has never promulgated pretreatment standards for indirect-discharging slaughterhouses and rendering facilities.
- According to EPA, 73% of POTWs that receive wastewater from slaughterhouses and rendering facilities have permit violations for pollutants found in slaughterhouse and rendering facility wastewater, indicating that POTWs are failing to remove appropriate amounts of pollution from this wastewater.
 - In fact, the problem is likely worse than it appears, because some POTWs that receive slaughterhouse and rendering facility wastewater have no pollution limits for nitrogen or phosphorus at all.

D. Compliance Deadlines

- In light of EPA's decades-long failure to revise its effluent limitation guidelines for direct-discharging slaughterhouses and rendering facilities—not to mention its total failure to publish pretreatment standards for indirect-discharging facilities—a strong rule must include clear compliance deadlines that do not allow for undue delay.

II. Other Considerations

- We encourage EPA to conduct appropriate outreach in connection with the proposed rule.
 - Even advocates who work at the watershed level struggle to find accurate information about slaughterhouses and rendering facilities in their communities.
 - EPA can improve the public's awareness of risks associated with pollution from slaughterhouses rendering facilities, as well as the scope of the proposed rule, by sharing information about the locations of slaughterhouses and rendering facilities and expressly identifying the watersheds that would be affected by the proposed rule.

- We encourage EPA to consider the connections between the proposed rule and other regulatory and funding decisions.
 - EPA should discourage “land application” of effluent and other waste by slaughterhouses and rendering facilities, because land application poses serious threats to human health and the environment.
 - EPA should work with USDA and other agencies to ensure that efforts to increase meat and poultry processing capacity do not work at cross-purposes with efforts to reduce water pollution from slaughterhouses and rendering facilities.