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Good morning, Commissioners.

I'm Isabella LoCicero, with Public Citizen's Texas office. Public Citizen is a nonprofit consumer advocacy organization with over 1M members and supporters that champions public interest in the halls of power.

This Petition for Rulemaking caught our attention not only because it seeks to allow disposal of diseased animal carcasses in liquid manure and wastewater systems, in this case through a manure digester, but also because Texas Agriculture Code Chapter 161.004, relating to Disposal of Diseased Livestock Carcasses, section (b) states: *"The Texas Commission on Environmental Quality may not adopt a rule related to the disposal of livestock unless the rule is developed in cooperation with and is approved by the Texas Animal Health Commission."*

TCEQ's rule petition package makes no mention of collaboration with the Texas Animal Health Commission, and a review of that agency's rule proposals and recent agenda items similarly makes no mention of a rule to amend the code or collaborate with the TCEQ on any such rulemaking. So we'd like to understand whether the agency intends to open this rulemaking and then wait for its next quarterly meeting in May for approval, or proceed without it.

We know that CAFOs pose multiple water quality problems, and manure digesters bring their own. Dead animals are not inert waste. As you are aware, carcasses can contain pathogens, antibiotics, and extremely high concentrations of organic material that can present potential contamination and other biological hazards. The legislature of Texas understood this, which is why there is a strong preference in the legal literature for rendering or composting - the burning required in those processes reduces risk during disposal. Anaerobic digesters are not worth the needed methane production - these biofuels are not clean.

We'll also note that this letter states that the petitioner, Oberon, is "developing facilities in Texas", but the company only shows one location in the Central Registry, which is in the Houston area. But that facility does not have a CAFO registration, nor does it have a water quality authorization for the wastewater process it describes in its petition letter. Maybe that particular facility doesn't need those authorizations. We think it is significant that a company with no authorizations in Texas and no track record of safe operations could be the impetus for crafting a new rule for a novel disposal method for cattle carcass, in a high risk zone so close to the growing hypoxic zone of the gulf.

And lastly, if that's the case, we wonder if it's worth the agency's time to open an entire rulemaking for just one facility. While the proposed rule amendment would grant the executive director discretion, we believe that every authorization this agency issues while it remains unable to respond promptly to reported environmental complaints or to resolve its extensive enforcement backlog, is one more authorization than this agency can effectively regulate.

Thank you.



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