



November 21, 2008

Air and Radiation Docket and Information Center  
Environmental Protection Agency  
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**Re: Regulating Greenhouse Gases Under the Clean Air Act**  
**Docket ID: EPA-HQ-OAR-2008-0318**

The International Dairy Foods Association (IDFA) submits these comments in response to the Advance Notice of Proposed Rulemaking (ANPR) on Regulating Greenhouse Gases Under the Clean Air Act (CAA) issued by the Environmental Protection Agency (EPA) and published in the *Federal Register* on July 30, 2008.

The International Dairy Foods Association represents the dairy manufacturing and marketing industries and their suppliers, with a membership of 530 companies representing a \$110-billion a year industry. IDFA is comprised of three constituent organizations, the Milk Industry Foundation (MIF), the National Cheese Institute (NCI) and the International Ice Cream Association (IICA). IDFA's 220 dairy processing members run more than 600 plant operations, and range from large multi-national organizations to single-plant companies. Together they represent more than 85% of the milk, cultured products, cheese and frozen desserts produced and marketed in the United States. IDFA can be found online at [www.idfa.org](http://www.idfa.org).

Our industry has been working hard to find ways to improve the energy efficiencies associated with technologies used in our facilities, offices and vehicles. We believe the physical and economic health of this nation is inextricably linked to our finding new sustainable solutions to meet our nation's energy needs while reducing greenhouse gas emissions and improving our air quality. We do not, however, believe the Clean Air Act is well-suited for regulating greenhouse gas emissions and, as such, we urge the EPA not to move forward with regulating greenhouse gas emissions without being provided additional legislative authority and direction.

The dairy processing industry is both a direct and indirect source of greenhouse gas emissions. We operate both mobile and stationary sources of emissions. We burn natural gas and fuel oils for our thermal operations and use electricity for refrigeration, lighting and

mechanical operations. We operate industrial and over-the-road vehicles that burn propane, diesel, gasoline and other fuels.

Our members' 600 processing facilities are but a small part of the approximately 180,000 food processing and distribution facilities contained in the Food and Drug Administration's registration database that could be included under a CAA regulatory scheme. All of these facilities are struggling with tough economic times and many are striving to do so in sustainable fashion that meets the demands of consumers while providing a safe, suitable and abundant supply of wholesome, convenient and nutritious foods. Our members' facilities are already heavily regulated by several federal and state agencies, including the Food and Drug Administration, the Department of Homeland Security and the EPA.

While we have always been an environmentally conscious industry, we recognize that more needs to be done to address the issue of climate change. As such, the dairy industry is voluntarily and aggressively pursuing changes that will reduce our industry's greenhouse gas emissions. The fluid milk industry is currently ascertaining its carbon footprint and is pursuing specific innovations which may help to reduce our greenhouse gas emissions. The cheese industry is in the early stages of following the milk industry's example. We are excited about what we may ultimately achieve.

We are concerned that an ill conceived regulatory regimen will drive resources toward regulatory compliance instead of innovation and investment into ways to reduce greenhouse gas emissions. As a result, an effort to regulate greenhouse gasses using the CAA will prove to be counterproductive and could hinder efforts to address this issue.

As you are well aware, almost everyone agrees that using the CAA is the wrong way to reduce greenhouse gas emissions. The CAA was designed and has been used to regulate pollutants that are significantly different from greenhouse gas emissions. In fact, unlike pollutants currently regulated, greenhouse gases are emitted in greater quantities, have a long atmospheric lifetime and are capable of long-range transport. The CAA has been used to address local or regional air quality issues while the problems created by greenhouse gas emissions are global in scope. In our view, the CAA regulatory structure described in the ANPR cannot be renovated and retrofitted to effectively address the issue of greenhouse gas emissions.

While the potentially regulated and the regulatory agencies frequently differ in their opinions about the need to regulate or specific regulatory provisions, IDFA cannot recall any regulatory proposal, advanced or otherwise, that has evoked such a consensus of opinion that the proposed course of action is wrong. The Executive Branch does not believe the CAA is the appropriate vehicle to regulate greenhouse gases, nine federal agencies have expressed their strong disapproval and even EPA Administrator Stephen Johnson shares this view in his preamble to the ANPR.

To be clear, IDFA does not oppose reasoned and appropriate regulation of greenhouse gas emissions and we support efforts that will enhance energy efficiencies, reduce air pollution and reduce our nation's reliance upon foreign energy. IDFA, however, does not believe that the Clean Air Act is the appropriate vehicle for regulation of greenhouse gases. Rather than forcing

an old regulatory scheme on a new problem, we urge EPA to use its limited resources to work with Congress to identify and develop new proposals that will address this very serious problem both effectively and efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Clay Detlefsen". The signature is written in a cursive style with a prominent initial "C".

Clay Detlefsen

Vice President, Regulatory Affairs and Counsel