

109TH CONGRESS  
1ST SESSION

# H. R. 4341

To amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 (“Superfund”) to provide that manure is not considered a hazardous substance or pollutant or contaminant under that Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2005

Mr. HALL (for himself, Mr. BLUNT, Mr. PETERSON of Minnesota, Mr. GOODLATTE, Mr. BONILLA, Mr. OTTER, Mr. CONAWAY, Mr. DEAL of Georgia, Mr. HOLDEN, Mr. NEUGEBAUER, Mrs. WILSON of New Mexico, Mr. CARTER, Mr. NORWOOD, Mr. THORNBERRY, Mr. SESSIONS, Mr. COSTA, Mr. SMITH of Texas, Mr. OSBORNE, Mr. SIMPSON, Mr. PICKERING, Mr. ROSS, Mr. HAYES, Mr. GOHMERT, Mr. HENSARLING, Mr. ORTIZ, Mr. PAUL, Mr. BRADY of Texas, Mr. POMBO, Mr. SALAZAR, and Mr. SHAD-EGG) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 (“Superfund”) to provide that manure is not considered a hazardous substance or pollutant or contaminant under that Act, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ANIMAL WASTE.**

2 (a) AMENDMENT OF SUPERFUND.—Title III of the  
3 Comprehensive Environmental Response Compensation  
4 and Liability Act of 1980 (42 U.S.C. 9601) is amended  
5 by adding the following new section at the end thereof:

6 **“SEC. 312. EXCEPTION FOR MANURE.**

7 “(a) IN GENERAL.—Upon the date of enactment of  
8 this section, manure shall not be included in the meaning  
9 of ‘hazardous substance’ under section 101(14) of this Act  
10 or ‘pollutant or contaminant’ under section 101(33) of  
11 this Act.

12 “(b) ELIMINATION OF PAPERWORK REQUIRE-  
13 MENTS.—(1) The enactment of this section shall not be  
14 construed to impose any liability under provisions of the  
15 Emergency Planning and Community Right-to-Know Act  
16 of 1986 for manure.

17 “(2) The enactment of this section shall not be inter-  
18 preted or construed to affect or abrogate the establish-  
19 ment nor the provisions of the Air Quality Compliance  
20 Agreement, published in Volume 70, No. 19 of the Federal  
21 Register on Jan. 31, 2005, and entered into by agricul-  
22 tural operators and the Administrator.

23 “(c) NO EFFECT ON OTHER ENVIRONMENTAL  
24 LAW.—Nothing in this section shall affect the applicability  
25 of any other environmental statute as it relates to the defi-  
26 nition of manure, or the responsibilities or liabilities of any

1 person regarding, the treatment, storage, or disposal of  
2 manure.

3 “(d) DEFINITION.—For the purposes of this section,  
4 the term ‘manure’ means—

5 “(1) digestive emissions, feces, urine, urea and  
6 other excrement from livestock (as defined by 7  
7 C.F.R. 205.2);

8 “(2) any associated bedding, compost, raw ma-  
9 terials or other materials commingled with such ex-  
10 crement from livestock (as defined by 7 C.F.R.  
11 205.2);

12 “(3) any process water associated with the  
13 items referred to in paragraph (1) or (2); and

14 “(4) any byproducts, constituents, or sub-  
15 stances contained in, originating from, or emissions  
16 relating to the items described in paragraph (1), (2),  
17 or (3).”.

18 (b) AMENDMENT OF SARA.—Section 304(a)(4) of  
19 the Superfund Amendments and Reauthorization Act of  
20 1986 (Pub. L. 99–499; 100 Stat. 1655.) is amended by  
21 adding the following at the end thereof: “The notification  
22 requirements under this subsection shall not apply to re-  
23 leases associated with manure (as defined in section 312

1 of the Comprehensive Environmental Response Compensa-  
2 tion and Liability Act of 1980).” .

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