

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-05-009

Rulemaking for Adoption of the Large Confined Animal Facility Definition

WHEREAS, on June 23, 2005, the Air Resources Board (the Board or ARB) conducted a public hearing to consider the Adoption of the Large Confined Animal Facility Definition as set forth in the Initial Statement of Reasons released to the public on May 6, 2005;

WHEREAS, following the public hearing on June 23, 2005, the Board adopted Resolution 05-35, in which the Board approved the proposed adoption of new sections 86500 and 86501, title 17, California Code of Regulations (CCR), as set forth in Attachment A thereto subject to a potential modification;

WHEREAS, Resolution 05-35 directed the Executive Officer to make an adjustment, if appropriate, to the large confined animal facility (CAF) definition for feedlots to more accurately reflect the size distribution of cattle at beef feedlots consistent with methods used to establish the other large CAF definitions.

WHEREAS, I have determined that it is appropriate to modify the large confined animal facility definition for beef feedlots from 2,500 to 3,500 beef cattle in ozone nonattainment areas, and from 5,000 to 7,000 beef cattle in other areas, in order to more accurately reflect the size distribution of cattle at beef feedlots consistent with methods used to establish the other large CAF definitions;

BE IT FURTHER RESOLVED that Resolution 05-35 provided that, if the Executive Officer determines that modifications to the regulations regarding beef cattle feedlots are appropriate, the Executive Officer is directed to incorporate the modifications into the approved regulatory text, with such other conforming modifications as may be appropriate, and then to make the modified regulatory language available for supplemental public comment for a period of 15 days or more; after considering any written comments regarding the modified text that are submitted during this period, the Executive Officer shall adopt the modified regulatory text after making further modifications as may be appropriate in light of the comments received, or present the regulations to the Board for further consideration if she determines that this is warranted;

WHEREAS, on September 7, 2005, the modified regulations, reflecting the amendments approved by the Board and the revision to the CAF definition for beef cattle feedlots, were made available for public comment for a period of at least 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44;

