

Dairies are among the Most Heavily Regulated Industries – Really?

Friends of Toppenish Creek, August 2025

Dairy reps love to say that dairy is one of the most highly regulated industries.¹ They say this at every opportunity. And it is partially true.

Dairy is subject to many of the same regulations as other industries, regulations such as the Clean Water Act (CWA), the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and the Resource Conservation and Recovery Act (RCRA).

But dairy gets special treatment. In Washington the Department of Ecology administers the Clean Water Act for everyone except dairy. In Washington the dairy industry gets their own statute, RCW 90.64, that provides for administration of the Clean Water Act for Dairies by the WA State Dept. of Agriculture. The result is that less than 10% of Washington dairies have National Pollutant Discharge Elimination (NPDES) permits. Is this over-regulation?

Dairies like to say they are subject to the federal Comprehensive Environmental Response, Compensation, and Liability Act or CERCLA, and the Emergency Planning and Community Right to Know Act or EPCRA. This is not true. Legislation enacted in 2018 exempts farms from reporting emissions from animal waste (manure) under CERCLA and EPCRA. Consequently, animal agriculture sends huge quantities of pollutants into the air and no one is keeping score.²

Like other industries, dairies are subject to labor laws. Not too long ago, in 2020, dairy workers in Washington won the right to overtime pay by appealing to the WA Supreme Court. Since 2022 dairy workers have been entitled to overtime pay for working more than forty hours in a week. Other farm workers have received overtime pay for more than forty hours of work since 2024.³

Median pay for farm workers is \$17.30 per hour and \$36,000 per year.⁴

¹ Save Family Farming. 2025. Family Farmers Are Highly Regulated. [Farm Regulation Facts – Save Family Farming](#)

² CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms. [CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms | US EPA](#)

³ WA Dept. of Labor and Industries. 2025. Agricultural Overtime FAQs. [Agricultural Overtime FAQ](#)

⁴ US Bureau of Labor Statistics. 2025. Summary for Agricultural Workers. [Agricultural Workers : Occupational Outlook Handbook: : U.S. Bureau of Labor Statistics](#)

Farm labor, especially animal agriculture, is one of the most dangerous occupations in the nation.⁵ In recent years in Washington State's Yakima County alone three dairy workers have died on the job: one was gored by a bull, another was crushed by a bale of hay, and a third drowned in a manure lagoon.

Dairies are frequently inspected because milk spoils easily, because many pathogens such as listeria, salmonella, coliform bacteria, campylobacter, and brucellosis grow in milk.⁶ Pasteurization of milk led the way to near eradication of tuberculosis in the United States.⁷ There is a good reason to regulate milk processing on dairies.

Mad Cow Disease was a self-inflicted wound. The disease spread because the industry tried to reduce costs by feeding the brains and nervous tissue of culled cows to healthy animals. This led to the deaths of thousands of cows and a few people, mostly in the United Kingdom.⁸ To stop the spread of Mad Cow Disease Congress passed 21 CFR § 589.2001 Cattle materials prohibited in animal food or feed to prevent the transmission of bovine spongiform encephalopathy, and Washington approved WAC 16-250-152 Certain mammalian proteins prohibited in ruminant feed. Is this over-regulation?

Dairies are heavily regulated because dairies are heavily subsidized. USDA programs that impact dairies include Federal Milk Marketing Orders, Dairy Forward Pricing Program, Dairy Margin Coverage, Dairy Indemnity Payment, Organic Dairy Marketing Assistance Program, Livestock Gross Margin for Dairy Livestock, Dairy Revenue Protections, Dairy Promotion and Research, Milk Donation and Reimbursement Program, Dairy Grading and Standards, and Food Purchase Programs.⁹ Implementation of these programs requires rules and regulations.

Despite all of this legislation, it is painful to hear advocates say that dairy is highly regulated when these statements occur during discussions about air pollution because no

⁵ Dairy Workers on Wisconsin's Small Farms Are Dying. Many of Those Deaths Are Never Investigated. 2023. [Dairy Workers on Wisconsin's Small Farms Are Dying. Many of Those Deaths Are Never Investigated.](#) • [Minnesota Reformer](#)

⁶ Center for Disease Control. 2025. Raw Milk. [Raw Milk | Food Safety | CDC](#)

⁷ Center for Disease Control. 2024. About Bovine Tuberculosis in Humans. [About Bovine Tuberculosis in Humans | Tuberculosis \(TB\) | CDC](#)

⁸ Center for Disease Control. Bovine Spongiform Encephalopathy (BSE). [Bovine Spongiform Encephalopathy \(BSE\) | Mad cow disease | CDC](#)

⁹ USDA Economic Research Service. 2025. Dairy Policy. [Dairy - Policy | Economic Research Service](#)

one measures, or monitors, or evaluates, or mitigates, or addresses air emissions from dairies, at least not in Yakima County. Washington.

Lower Yakima Valley dairies emit huge amounts of air pollutants to the ambient air every year. Based on EPA modules for greenhouse gas emissions and data from the National Air Emissions Monitoring Study (NAEMS) we estimate that 100,000 milk cows in the LYV emit over 30,000 metric tons of methane (over 800,000 MTCO₂e) and over 2,000 metric tons of ammonia and over 4,000 metric tons of volatile organic compounds every year.

Pollutant	Metric Tons/yr	Tons/yr
Methane*	30,651	33,716
Ammonia **	2,062	2,270
Hydrogen Sulfide **	41	45
VOCs**	4,241	4,665
PM 2.5**	131	144
PM 10**	309	340
* Environmental Protection Agency Models for Washington State available at State Inventory and Projection Tool US EPA		
** Emissions Data from Two Dairy Freestall Barns in Washington – National Air Emissions Monitoring Study available at ASAE Journal US EPA ARCHIVE DOCUMENT		

This data would place the twenty plus LYV dairies that each house greater than 2,000 milk cows in the category of Title V sources of air pollution - if dairies were treated like other industries.

Yet the Yakima Regional Clean Air Agency ignores dairies.

With respect to the Clean Air Act, dairies in Washington State are unregulated. Remember this when dairy advocates talk about the intense regulation of their clients.

Thank you for reading.

Friends of Toppenish Creek