

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

Committee on
Agriculture and
Insurance
(SC-AI)

File Naming Example:

Record of Comm. Proceedings ... RCP

- > 05hr_AC-Ed_RCP_pt01a
- > 05hr_AC-Ed_RCP_pt01b
- > 05hr_AC-Ed_RCP_pt02

Published Documents

> Committee Hearings ... CH (Public Hearing Announcements)

> **

> Committee Reports ... CR

> **

> Executive Sessions ... ES

> **

> Record of Comm. Proceedings ... RCP

> **

*Information Collected For Or
Against Proposal*

> Appointments ... Appt

> **

> Clearinghouse Rules ... CRule

**

> Hearing Records ... HR (bills and resolutions)

> **05hr_sb0504_SC-AI_pt01**

> Miscellaneous ... Misc

> **

 **Vernon County
Broadcaster** [Print Page](#)

Story originally printed in the Vernon County Broadcaster or online at <http://www.vernonbroadcaster.com>

Traditional farmers also focus on what's best for the environment

by John and Johanna Stephenson, letter to the editor

We are writing in response to Dan Peper's letter which appeared in the Jan. 5 Broadcaster.

It is deeply upsetting to read his alarmist and misleading statements, the end result of which is to further divide Vernon County's agricultural community at a time when we need to have a thoughtful and reasonable discussion of the issues that face us all as farmers and community members.

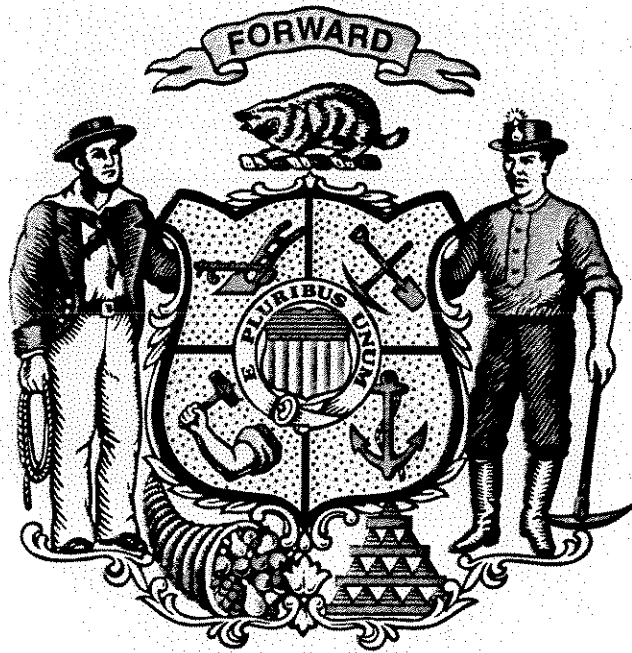
Mr. Peper's letter implies that only those who practice organic agriculture are capable of preserving and nurturing the environment. It leaves the impression that all farmers who use conventional farming methods are harming the environment and need to be regulated out of existence. This is not only insulting and disrespectful, but it shows a lack of appreciation for the hard work and sacrifice that has gone into maintaining viable family farms in Vernon County and the surrounding area through generations. We would suggest that if traditional farming methods are as destructive as Mr. Peper implies, he would have found a devastated landscape when he moved to Vernon County instead of the beautiful and relatively unspoiled rural area that he and many others find so desirable.

All farmers are looking for ways to make farming safer and more profitable. There is much to admire in the goals and methods of organic agriculture. We should all be open to new ideas and better ways of farming. But all of us need to remember that small farmers are an endangered species regardless of whether they are organic or traditional or a combination of both. If we don't work together we have no chance of preserving our place in this or any other community.

John and Johanna Stephenson

Viroqua Township

All stories copyright 2003 Vernon County Broadcaster and other attributed sources.



Written Testimony of Judy Tremi
Resident of the Town of Luxemburg, Kewaunee County, Wisconsin

Before the
Joint Committee on Agriculture

January 18, 2006

Let me preface this statement by first letting you know that introducing a bill on a Friday before a holiday weekend and one day later holding a public hearing on the matter is downright ridiculous. I am sure that this style of government isn't what any of your constituents in Wisconsin bargained for when they elected you and you should be ashamed of yourselves. To schedule this hearing without any discernable public notice indicates that there must be some serious flaws in your proposed bill to have you trying to push it through without giving the public any chance at all at attending a hearing with little to no notice. I request that this hearing be rescheduled to give families and individuals like my husband a fair amount of time to adjust their work schedules to personally attend this hearing.

With the 52 manure runoff events between July 2004 and June 2005 coming mostly from operations that were not regulated by a WPDES permit why would you in the legislature propose to further reduce the DNR's efforts to stop these spills and runoff events and protect public health?

As a rural resident with 3 small children living in Kewaunee County, I can attest first hand to the hazards inherent to operations that are and aren't regulated by a WPDES permits. In late February 2004 a local CAFO operator spread 84,000 gallons of liquid manure on 18 inches of snow in 40 degree temperatures. He spread for three days and exactly two days after he finished spreading our 8 month pregnant neighbors drinking water well became grossly contaminated with animal waste. Two days after her well was hit our drinking water well became grossly contaminated with animal waste. This by the way, was the very same well that tested "SAFE" in a routine yearly water test conducted by the Wisconsin State Lab of Hygiene. The manure applied to the field ran off the field into the ditches and through the neighbors property and ultimately ran into the creek that happens to flow through our property.

So not only did our state protected creek become polluted with animal waste our well water that I used to bathe by daughters (one being 7 months old at the time), that I used to prepare our meals was laced with ecoli bacteria from that animal waste.

Every one of us including my 7 month old infant suffered from ecoli poisoning. My 7 month old was hospitalized as a result. Have any of you enlightened yourselves to what the effects of ecoli poisoning can do to an infant. Have you heard that ecoli poisoning can cause kidney and liver failure and even death to infants. Not only infants, but the elderly and any other medically fragile individuals such as transplant patients.

Can you honestly sit there and look at those pictures of my daughters and not give a thought to what this bill would do to us and other families just like us? Yes, what this bill would do to us. You see Stahl Farms one of the farms this bill would exempt from being required to have a WPDES permit. Stahl Farms and operation with a 20 year history of violating environmental laws in Wisconsin. The first time any meaningful enforcement of those laws came only after he obtained a permit and ONLY after he poisoned my daughters!

The DNR may not be perfect and as in our case they make mistakes, but warts and all regulation by the DNR is necessary. Necessary to protect my daughters in the future. A future we have every right to live in our home without threat to our property and our health.

I fail to understand the true agenda of this bill separating "like animal units" It would seem that generated waste under confined operation is waste whether it be from a heifer or a milking cow. Please explain to me why an operation with 700 milking cows and 200 heifers would require a permit but an operation could have 600 milking cows and 900 heifers and not require a permit. Whether its animal waste from a milking cow, heifer or a combination of the two it must be disposed of in the same manner. Cumulative waste is cumulative waste.

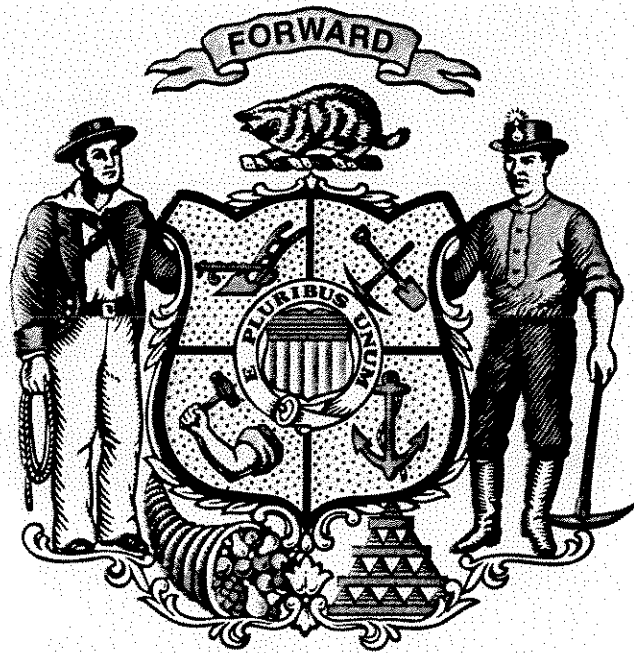
Are we not already accurately portraying animal units in Wisconsin by classifying milking cows, heifers and calves as different animal units due to the fact that they generate different amounts of waste? With your bill the animal waste from anything other than milking cows isn't being accounted for. Is the waste from a heifer or calf somehow not hazardous waste that could pollute our creeks, rivers and groundwater?

I fail to understand what it is you are trying to accomplish with this bill. Are you trying to remodel dairy in Wisconsin to 600 cow herds or are you trying to take away rural property owners rights to comment on a WPDES expansion permit for operations that do in fact house more than 1000 animal units and generate a substantial amount of hazardous waste?

The average dairy cow generates 9 gallons of waste per day. Meaning a 600 cow herd would generate 1.97 million gallons of manure a year. A semi truck holds approximately 600 gallons. That 600 cows would generate 328 semi loads of manure each year. Under your proposed bill that amount could be doubled by an operation with uncounted heifers and a WPDES permit still would not be needed. I would like to think 3.94 million gallons of hazardous waste generated would be closely regulated by the DNR and not deregulated.

Is it the legislatures duty to propose legislation that puts the rights of big business above citizens rights? Rights that should be protected by legislation and not put us further in harms way by deregulation.

This proposed bill appears to be nothing more than a lobbyist driven attempt to deregulate an industry. In my opinion it fails to meet the criteria of good legislation, except for the financial gain for a select group in the dairy industry. There are approx. 15,000 dairy operations in Wisconsin. This bill your propose would remove 16 dairy operations from the WPDES permitting system. That means this legislation is proposed to benefit 1/10th of 1 percent of the dairy in Wisconsin. So really why are we here today? There has got to be more to this bill than a benefit to 1/10th of 1 percent of an industry.



SB 504 Testimony
Gordon Stevenson
DNR, Chief of Runoff Management
Senate Committee on Agriculture and Insurance
January 18, 2006

Mr. Chairman and members, thank you for the opportunity to testify on SB 504. My name is Gordon Stevenson. I am the Chief of Runoff Management for the Department of Natural Resources. I have general oversight authority for DNR's involvement with most rural, urban, voluntary and regulatory programs that relate to diffuse sources of water pollution. Chapter NR 243 that authorizes Wisconsin's regulatory program for animal feeding operations is among those programs. I have been actively involved in manure management and water quality protection for over 21 years. I believe that the issues addressed by this bill are very important and appreciate the opportunity to contribute to your deliberations. I have come here today on behalf of the DNR to state that our agency does not support the proposed legislative changes to how animal units are calculated in our state.

While much of this bill specifically addresses livestock siting, DNR's particular interest in this bill is how it limits calculation of animal units for purposes of issuance of WPDES permits for large livestock operations under Chapter NR 243. The Federal Water Pollution Control Act requires the issuance of water pollution discharge permits for point sources of pollution by the Environmental Protection Agency (EPA) or by states, including Wisconsin, to which EPA has delegated permit-granting authority. Such sources include publicly-owned treatment works, pulp and paper mills and concentrated animal feeding operations (CAFO's). Livestock operations housing 1,000 animal units or more are deemed to be CAFO's. One animal unit is a mature beef animal or an equivalent number of other livestock. Since initial promulgation of NR 243 in 1984, Wisconsin livestock producers have used a mixed animal unit calculation to determine the necessity of applying for a WPDES permit. I.e., if a livestock facility would have more than one type of animal, the number of animal units that would be present at a livestock facility is determined by adding together the number of animal units of each type of animal.

This bill requires DNR to use EPA's methodology for measuring the size of a livestock operation to determine whether the livestock operation is a CAFO and, thus, whether the livestock operation is required to obtain a water pollution discharge permit. EPA's methodology does not add together the number of animals of different types but rather looks at whether the population of a single animal type exceeds the 1,000 animal unit threshold. It is important that this committee understands the implications of this proposal:

1. Inequity Among Wisconsin Farmers. Eliminating mixed animal unit calculations doesn't make sense from either a farmer equity standpoint or an environmental perspective. Example: Farm A has 999 animal units of one type (e.g. heifers) and also has 999 animal units of another type (milking cows); Farm B has 1000 animal units of one type (milking cows). If the mixed animal unit calculations are eliminated, then Farm B still is required to get a permit, but Farm A no longer needs a permit even though Farm A generates nearly double the manure. There will likely be more odors, more manure land application and greater environmental risk from Farm A, but Farm A is not required to get a permit.

2. Rollback. Wisconsin has used a mixed animal unit calculation since NR 243 was promulgated in 1984. Eliminating the mixed animal units is a rollback from Wisconsin's WPDES permit program that has been in place for twenty years. According to our most current analysis of livestock numbers on existing WPDES-permitted livestock facilities, no fewer than 10 and as many as 16 existing WPDES permittees would fall under the 1,000 animal unit threshold. I would like to give you a ratio: 1:18. One dairy cow equals 18 people in terms of organic pollution potential. That means that a single 1,000 animal unit operation is equivalent to the City of Middleton or Sun Prairie in terms of pollutants generated. Removing 10 to 16 existing CAFO from the rolls is analogous to telling 10-16 Wisconsin communities with populations of 18,000 people or more that they don't have to treat sewage any longer.

As you are aware, DNR is in the process of revising NR 243. Part of those revisions involved using the new federal conversion factors to conduct a mixed animal unit calculation. In response to concerns we heard during the public comment period on NR 243 about using federal numbers in the mixed animal unit calculation, we will revise NR 243 not to do that. Rather, we are considering a "hybrid" approach to calculating animal units. Notably, the hybrid approach embraces the approach of SB 504 but also retains the mixed animal unit calculation concept. Under the hybrid approach, operations would use a simple one-page sheet (see attached) similar to that contained in our current permit application, to calculate mixed animal units using current NR 243 numbers as well as individual animal units using the revised federal numbers. If either the mixed or the individual animal unit calculation meets or exceeds the 1000 animal unit threshold, the operation would need to obtain a permit. Using this approach, the only increase in permitted operations due to revisions to NR 243 would come from the federal individual animal unit calculation, operations we are required to permit anyway. For dairy operations, the hybrid approach essentially sustains the system that we have been using since 1984. DNR staff has discussed the hybrid approach with US-EPA; they find it acceptable.

Compromise
old

The hybrid approach is a reasonable compromise for the livestock industry --- it avoids a rollback and alleviates producer's concerns about DNR expanding the permit program.

3. NR 243 Promotes Sound Manure Management Practices. The changes in Federal law obviously align with the larger, single species types of operations more common in the Southeastern and Western states. Those changes do not align well with Wisconsin's dominant livestock dairy industry with mixed age populations on most farms.

We believe NR 243 with its mixed animal unit approach has helped to avoid many of the impacts other states have experienced with larger-scale operations and has helped to ensure that larger-scale livestock operations expand in an environmentally sound manner. Because of the program we have in place, I am confident in saying that on the whole, our permitted operations perform better than nonpermitted operations. Wisconsin just had its worst year in recent memory in terms of both frequency and severity of manure runoff. Wells were contaminated; high-value fisheries were lost. At least one of those 10 or more operations that would fall under the 1,000 animal unit threshold under this bill was associated with a severe well contamination event. I will give you another number: 6,500,000; that's how many gallons of liquid manure are generated per year by 1,000 cows. That would fill a football field 20 feet deep. Many more thousands of gallons of milking center wastewater and feed leachate are generated as well. Given the sheer volume of manure and process wastewater mixed animal CAFOs handle and manage, it is important that we continue to have oversight over these operations.

In addition, the mixed animal unit calculation has allowed us to work with operations at earlier stages in their expansion plans that can save them money by avoiding redesign of storage and runoff control structures to meet federal CAFO requirements and avoiding costs associated with potential fish kills and well contaminations.

4. Other Midwest States Retain Mixed AUs. Other Midwest States that have a history of implementing a successful NPDES permit program, such as Minnesota have chosen to retain the mixed animal unit calculations. The mixed animal unit calculation matches the type of farming operations present in Wisconsin and in other midwest states -- family farms with more than one animal type. The federal rules address more of the very specialized huge farms in Western states and Southeastern states with thousands of one type of animal.

5. General Permit Program. If and when DNR is able to get the rules revised, the DNR was intending on creating a more streamlined general permit program for CAFOs that would likely cover those operations that are CAFOs because of the mixed animal unit calculation. Livestock producers have viewed the proposed creation of a general permit program favorably.

NOTE: One last comment --- Eliminating the mixed animal unit calculation does not guarantee that the 10-16 CAFOs that drop out will never have to get a permit.

If the mixed animal unit calculation is removed and the 10% of farms become medium sized CAFOs, then those 10% may still have to obtain a permit if they have a discharge to navigable waters from either the land production area or the land application areas --- the WDNR may require a WPDES permit (depends on the facts). Of course, handling the program this way (waiting for the discharge to occur before requiring permit coverage) is a reactive approach rather than a preventive approach. Also, just following the standard 590 NRCS plan has NOT prevented fish kills or well contaminations in Wisconsin.

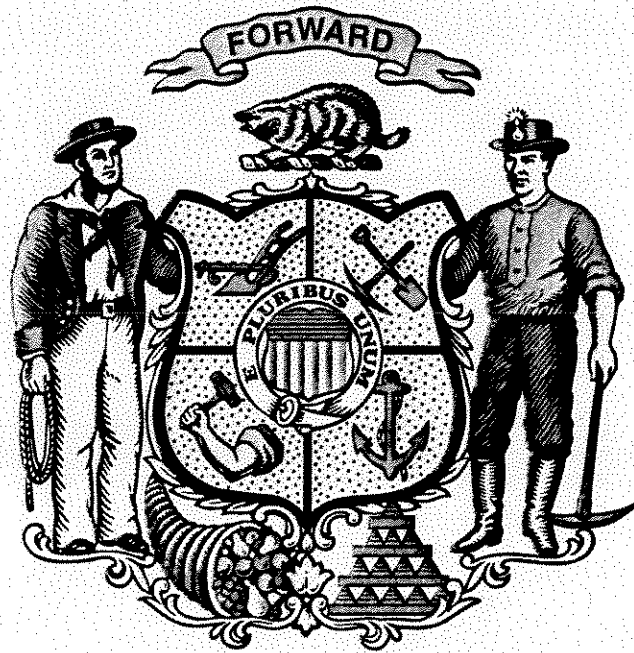
**** This worksheet is for informational purposes only. ****

- Use this worksheet to compare how many animal units are present on your operation under the "hybrid" animal unit calculation approach. A Wisconsin Pollutant Discharge Elimination System (WPDES) permit is required for all livestock/poultry operations that will contain 1,000 or more animal units.

Complete the following four steps:

1. Enter the current number of each animal type on your operation to the left of the equal sign (=) in both Column A and Column B. Use the highest number of animals on-site at any time during the past year, and include all animals at adjacent locations or under common management.
2. Compare to see how many animal units your operation has under the mixed and non-mixed AU calculation.

ANIMAL TYPE		A. NUMBER OF MIXED ANIMAL UNITS UNDER CURRENT NR 243			B. NUMBER OF NON-MIXED ANIMAL UNITS UNDER FEDERAL REGULATIONS		
		Equ. Fac.	Number of animals	Current Equivalent Animal Units	Equ. Fac.	Number of animals	Proposed Equivalent Animal Units
<i>Example- Broilers (non-liquid manure):</i>		005 x	150,000	= 750 AU	008 x	150,000	= 1200 AU
DAIRY CATTLE	Milking and Dry Cows	1.4 x	=		1.43 x	=	
	Heifers (800 lbs. to 1200 lbs.)	1.1 x	=		1.0 x = (categories combined: Heifers (400-1200 lbs))		
	Heifers (400 lbs. to 800 lbs.)	0.6 x	=				
	Calves (up to 400 lbs.)	0.2 x	=			0.2 x	=
BEEF	Steers or Cows (600 lbs. to market)	1.0 x	=		1.0 x	=	
	Calves (under 600 lbs.)	0.5 x	=		0.2 x	=	
	Bulls (each)	1.4 x	=		1.43 x	=	
VEAL CALVES		0.5 x	=		1.0 x	=	
SWINE	Pigs (55 lbs. to market)	0.4 x	=		0.4 x	=	
	Pigs (up to 55 lbs.)	0.1 x	=		0.1 x	=	
	Sows (each)	0.4 x	=		0.4 x	=	
	Boars (each)	0.5 x	=		0.5 x	=	
CHICKENS	Layers (each) - non-liquid manure system	0.01 x	=		0.0123 x	=	
	Broilers/Pullets (each) - non-liquid manure system	0.005 x	=		0.008 x	=	
	Layers or Broilers - liquid manure system	0.033 x	=		0.0333 x = (categories combined: Per Bird -liquid manure system)		
	Broilers - continuous overflow watering	0.01 x	=				
DUCKS	Ducks (each) - liquid manure system	0.2 x	=		0.2 x	=	
	Ducks (each) - non-liquid manure system	0.01 x	=		0.0333 x	=	
TURKEYS (each)		0.018 x	=		0.018 x	=	
SHEEP (each)		0.1 x	=		0.1 x	=	
HORSES (each)		2.0 x	=		2.0 x	=	
TOTAL ANIMAL UNITS:		TOTAL MIXED AU UNDER CURRENT NR 243 = (sum all rows above)			TOTAL NON-MIXED AU UNDER FEDERAL REGS = (enter the single highest number from any row above; do NOT sum the totals)		





John Muir Chapter

Sierra Club - John Muir Chapter
222 South Hamilton Street, Suite 1, Madison, Wisconsin 53703-3201
Telephone: (608) 256-0565, Fax: (608) 256-4562
cterrell@execpc.com; wisconsin.sierraclub.org

IN OPPOSITION to SB 504, relating to determining the size of a
Livestock Feeding Operation, AFO
Before the Senate Agriculture and Insurance Committee
By Caryl Terrell, Chapter Director
January 18, 2006

The Sierra Club requests that the Committee reject SB 504, which changes the size of a Concentrated Livestock Feeding Operation, CAFO, and a Livestock Feeding Operation, AFO.

There is a reason that Wisconsin rules count all livestock when determining the size of a Livestock Feeding Operation, AFO. All livestock generate manure that must be managed to prevent ground and surface water contamination. SB 504 ignores this obvious fact.

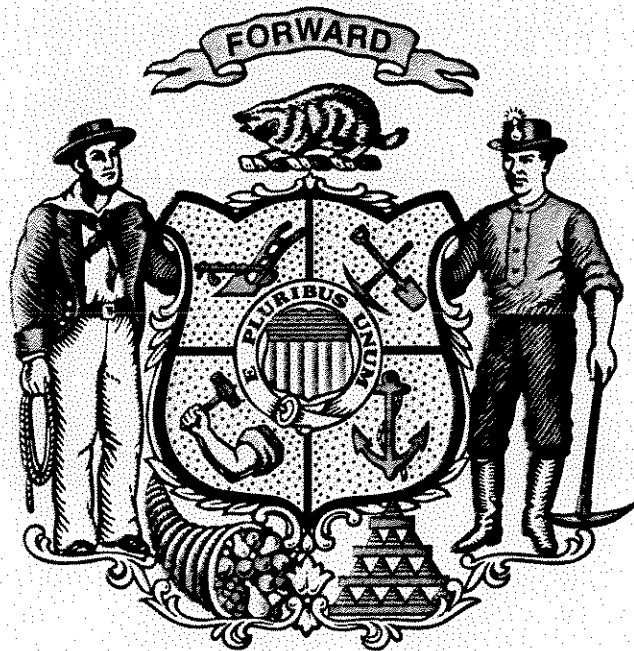
Wisconsin livestock operations often include a variety of animals, so the Wisconsin rules are designed to suit Wisconsin agriculture. SB 504 prefers to use a national uniform standard that is not tuned to the reality of Wisconsin agriculture.

The impact of this change in defining the threshold of an AFO and a CAFO is substantial. According to the DNR, about 10% of the current 140 CAFOs in WI would no longer be regulated under the CAFO rules. That means no restrictions on manure spreading, no restrictions on manure storage, no compliance inspections, nothing.

There have been 52 runoff events, well contaminations, and fish kills recently. The Legislature should not be unraveling the slim protections of our water and wildlife resources. SB 504 creates unacceptable risks and should be defeated.

Attached is an excellent article by Reid Magney in today's La Crosse Tribune, "Kapanke bill would change how DNR regulates farms."

Thank you for the opportunity to share our viewpoint.



Midwest Environmental ADVOCATES

pro bono publico

**Written Testimony of Andrew C. Hanson
Midwest Environmental Advocates, Inc.,**

Before the Senate Committee on Agriculture and Insurance
Wisconsin State Capitol, Rm. 411-S

SB-504. Determining the size of a livestock operation for the applicability of the livestock facility siting law, water quality regulation of livestock operations.

January 18, 2005

My name is Andrew Hanson. I am a staff attorney with Midwest Environmental Advocates, Inc., a nonprofit environmental law center that provides legal and technical assistance to communities and families working for clean air, clean water and clean government. SB 504 (LRB 4342/1) stands counter to all three of those fundamental values.

First, the manner by which SB 504 has been introduced and set for a hearing can be described as anything but clean government. In fact, the process has discriminated against working families. SB 504 was introduced and set for a hearing on Friday, January 13, the evening before a holiday weekend. Monday, January 16 was Martin Luther King Day, a national holiday where we observe the power of civil rights and public participation and the spirit of a national hero who advanced both.

The hearing is being held today, with just one working day's notice for working people — people who would have attended and given testimony, but who cannot because of their work schedules, their childcare schedules, or myriad other personal and professional responsibilities that prevent them from constantly keeping their watch on the actions of this committee and its members. At a minimum, this committee should reschedule this bill for another hearing where people can actually come and participate, with adequate notice and adequate time for preparation.

Second, SB 504 stands counter to clean water and public health. This includes streams and rivers, but also groundwater that rural families rely on as a safe drinking water source.

SB 504 requires Wisconsin to define "Concentrated Animal Feeding Operation" or "CAFO" the same way the U.S. Environmental Protection Agency ("U.S. EPA") does under federal regulations. The U.S. EPA only looks at one type of animal (e.g. a dairy cow, 1.4 animal units or "AU's") at a CAFO in calculating whether the "CAFO" threshold has been exceeded and, thus, whether a manure discharge permit is required. However, there may be several types of animals (milking cows, calves, heifers, beef cows, etc.) that still produce waste, but will not count towards determining whether to require a permit because they are "different animal types." The federal policy is a misguided one that does not reflect the realities in Wisconsin. Many livestock operations in Wisconsin have both mature milking cows *and* replacement heifers *and* calves, all of which produce waste that must be managed and disposed of.

The explanation of how SB 504 cuts DNR authority is simple. A livestock operation could have 600 mature milking cows (less than 1,000 AU's) and 900 heifers (also less than 1,000 AUs). However, this operation is not required to obtain a DNR discharge permit despite that cumulatively, it must manage and dispose of more waste than an operation with 700 mature milk cows, which would certainly be regulated by the DNR.

In fact, SB 504 could eliminate DNR authority from up to 16 of the 140 CAFOs in Wisconsin, or more than 11% of all of the CAFOs in the state. There have been more than 52 manure runoff events since June of 2004, including manure spills, fishkills, and well-contaminations. Many of those were caused by operations *not* regulated by the DNR. And yet, SB 504 eliminates DNR oversight of more operations. This increases the risk of additional fishkills and hampers the DNR's ability to respond when spills occur.

This is shown most starkly in the case of Stahl Farms. Under SB 504, Stahl Farms, a CAFO in Kewaunee County, would no longer be regulated under the Wisconsin Pollutant Discharge Elimination System ("WPDES") Permit Program in Chapter 283 of the statutes. You may recall that Stahl Farms has a long history of manure discharges from its facility and further that Stahl Farms caused the contamination of the Treml family's well and sickened their children, including their infant daughter who had to be rushed to the hospital. We understand that Stahl has approximately 600 mature milking cows and approximately 300 heifers. Under the DNR's mixed animal unit calculation, Stahl would have more than 1,000 AUs and would be required to have a WPDES permit. However, under SB 504, Stahl would have less than 1,000

AUs and would not be required to obtain a WPDES permit. The DNR's manure management standards would not apply to Stahl without cost-share assistance.

In that sense, SB 504 is an assault on the Tremel family and other families like them who depend on groundwater for their drinking water, and who depend on the DNR to protect them from harm by enforcing standards designed to prevent groundwater contamination from manure spills. Under this bill, those standards will become unenforceable and will leave rural families like the Tremels worrying about whether their water is safe.

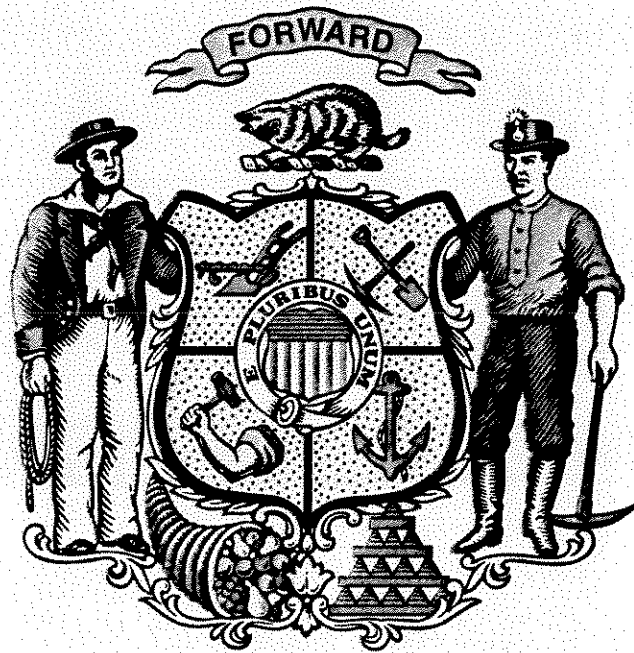
Third, SB 504 is step backward from cleaner air. SB 504 requires local governments to calculate animal units according to the U.S. EPA's method in determining the applicability of Act 235, the Factory Farm Siting Law.

Again, by only counting one animal type, even fewer operations will be required to engage in odor mitigation, manure storage upgrades, and nutrient management planning in expanding their operations. For example, even though an "expanded" facility may have 600 mature milk cows and 600 heifers, it will not be required to engage in odor mitigation under the Siting Law because neither adds up to 1,000 animal units under SB 504. This is despite that under Wisconsin's current approach, the facility would have more than 1,000 animal units and would be required to apply the odor standard, however inadequate and weak that standard is, and determine whether odor mitigation will be required as part of the expansion.

SB 504 defies logic in that there is no sensible public policy sustaining it. Proponents claim the bill is necessary to create consistency with the federal method for counting animals. But, other states do not follow that federal method, including Minnesota and Iowa – or even California or Idaho, both states with a sizeable dairy industry. And, the federal method assumes that heifers and calves do not produce waste. That is ridiculous, as of course they do, and of course their waste can be as easily discharged to streams and groundwater or produce foul air pollution as that of milkers.

On behalf of the rural families in Wisconsin concerned for their children's health, I respectfully request that you withdraw SB 504 from further consideration, or at a minimum, schedule this matter for further hearings to allow more thoughtful public review by Wisconsin rural families.

Thank you.



TO: Senate Agriculture and Insurance Committee
c/o Sen. Dan Kapanke, committee chair

FAX: 608-267-5173

FROM: Maureen Blaney Fliemer, Hilbert, WI 54129; 920-989-2458

RE: Today's hearing on SB-405

PLEASE DISTRIBUTE THIS TO YOUR COMMITTEE MEMBERS. Thank you.

The proposal, SB-405, that you are considering will deregulate more CAFOs (Concentrated Animal Feeding Operations) in Wisconsin at a time when public health requires closer oversight.

Manure management and DNR oversight do not hinder livestock production in Wisconsin. However, that management and oversight will protect public health. It also will prevent environmental catastrophes like the record 52 manure runoff events Wisconsin experienced between July 2004 and June 2005.

It's astounding to think that, under this proposal, the Stahl Farm that spread the manure that poisoned the Trembl family and almost killed their little girl apparently would not be regulated by the DNR. Where is the concern for families?

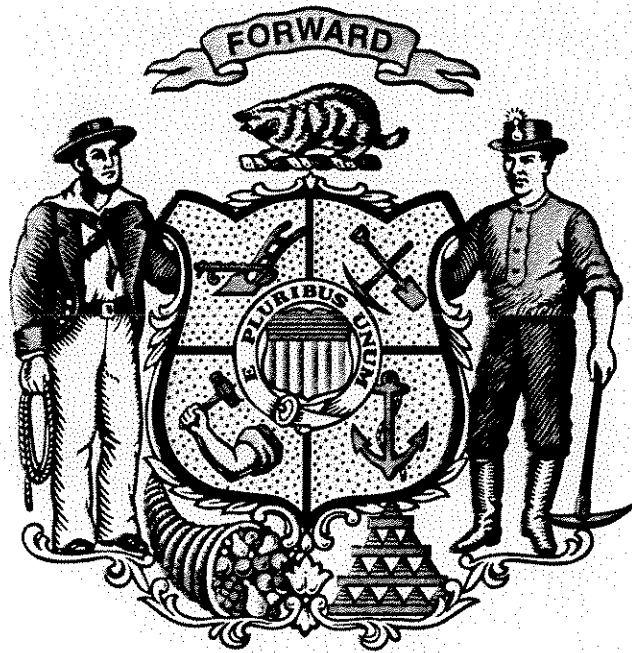
Many of these runoff events also caused fish kills in highly valued trout streams. Where is your concern for the sportsmen and women who put valuable time and effort into rebuilding habitats -- only to have them fouled?

Many spills came from operations not regulated by the DNR. Why would you propose to further reduce DNR efforts to stop these spills and protect public health? If common sense ruled, you would instead be expanding DNR oversight.

Any argument for this bill that says it is only to level the playing field under EPA rules for Wisconsin agriculture is incorrect. Other states also have more stringent regulations than the EPA's CAFO rule. They include Arizona, California, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Georgia, New York, and Pennsylvania.

CAFOs -- and all of the manure-producing animals on them -- need to be regulated in Wisconsin. Our water and air problems can not continue to be ignored. It's time for common sense.

Don't let clean water and clean air be the casualties of a Legislature responding to those who serve only the bottom line. Instead, let clean air and water be the birthright of all future generations of Wisconsin residents.





Capitol Strategies, LLC

Government relations and Public Policy Consulting Firm

Senate Committee on Agriculture and Insurance January 18, 2006

Testimony of Amy Winters, Contract lobbyist for Gold'n Plump Poultry on SB 504 relating to determining the size of a livestock operation for the applicability of the livestock facility siting law, water quality regulation of livestock operations, granting rule-making authority, and providing an exemption from emergency rule procedures

Chairman Kapanke, members of the committee, thank you for the opportunity to testify on SB 504. My Client, Gold'n Plump Poultry is the largest integrated broiler producer in the Midwest with operations in Minnesota and Wisconsin. They have a strong history of sound environmental practices and are always focused on stewardship and innovation in their operations.

Gold'n Plump currently partners with 130 local farms in Wisconsin and have a vested interest in insuring that the expansion of livestock operations in Wisconsin are not jeopardized.

SB 504 is an important measure in ensuring that the state does not move forward with a siting law that we believe currently has unintended consequences.

We thank the author for clearing up the issue of animal units and basing the calculation on single animal species instead of the current combined animal calculation; this policy is also consistent with what Gold'n Plump and many others in the livestock industry have requested from the DNR in the NR 243 rule.

Gold'n Plump does request that the author and committee members consider one amendment to the bill that is very important to the poultry industry in the state. We request that you revise the animal unit calculation for determining the size of an operation to insure that the calculation accurately reflects the actual weight of animals present on an operation as opposed to the less precise EPA Animal Unit (AU) methodology. The utilization of EPA's animal unit calculation does not properly reflect the poultry industry in Wisconsin where broilers are raised at lower weights. We ask that you amend the bill to utilize the attached animal unit calculations which mimic those used in Minnesota.

Thank you for your time and consideration

Amendment to SB 504

93.90 (2) (e) 3. Specify the method for determining numbers of animal units for each type of animal based on the principle that the threshold number of animals of each type of animal in the definition of "large concentrated animal feeding operation" in 40 CFR 122.23 (b) (4) equals 1,000 animal units. **Except as provided in (2) (e) 4.**

(2) (e) 4 the method for determining animal units for poultry are

<u>. Chickens</u>			
<u>1. Laying hen or broiler (liquid manure system)</u>	-	<u>0.033</u>	-
<u>2. Chicken over 5 pounds (dry manure system)</u>	-	<u>0.005</u>	-
<u>3. Chicken under 5 pounds (dry manure system)</u>	-	<u>0.003</u>	-
<u>G. Turkeys</u>			
<u>1. Over 5 pounds</u>	-	<u>0.018</u>	-
<u>2. Under 5 pounds</u>	-	<u>0.005</u>	-
<u>H. Ducks</u>	-	<u>0.01</u>	-



FOR IMMEDIATE RELEASE

Media Contact: Susan Worwa
320-240-6290 (office)
612-385-1161 (mobile)
sworwa@goldnplump.com

Gold'n Plump[®] to Expand in Arcadia, Wisconsin
Poultry company will expand Arcadia, Wisconsin operations to improve efficiencies and meet increasing customer demand.

SAINT CLOUD, MN (January 5, 2006) Gold'n Plump Poultry announced today that it will update and expand its production complex and current operations in Arcadia, Wisconsin.

The \$38 million expansion is scheduled to begin early in 2006 with completion expected in 2008.

The project includes:

- Increasing production capacity by 31% at the current complex
- Updating processes to improve efficiencies
- Adding 50 full-time employees
- Building a larger, state of the art hatchery in the area
- Adding 36 breeder and grower barns in southwestern Wisconsin
- Increasing annual corn and soybean meal purchases

The company's current annual economic impact in Wisconsin (including wages, grower payments and feed material purchases) is approximately \$53 million and the company anticipates that the post-expansion annual economic impact will be roughly \$64 million, an increase of \$11 million per year.

"We are very excited that Gold'n Plump has decided to expand its Wisconsin operations. The State offered a compelling package that we believe helped make the company's decision a little easier, and we look forward to strengthening the economy and boosting Wisconsin agri-business with the addition of 50 jobs and 36 growers to that area," said Jim Doyle, Governor of Wisconsin.

(more)

(continued from page 1)

“Gold’n Plump is an excellent corporate citizen, they are dedicated members of the community, and their commitment to local family farms supports the lifestyle so many of us in Wisconsin are dedicated to preserving,” he added.

The company spent 6 months conducting an expansion study to determine how to prepare for future growth, improve efficiencies and upgrade current infrastructure, support an increase in demand for premium branded chicken products and improve customer’s experience through technology and service. The 31% projected volume increase that can be accomplished at the Arcadia facility at the \$38 million capital investment level was a compelling factor in the decision-making process. Other factors contributed as well, such as attractive state incentives, access to raw materials for producing feed, labor availability, grower contract availability and community interest, all of which contribute to the company’s ability to stay cost competitive during this period of growth.

According to Mike Helgeson, Chief Executive Officer of Gold’n Plump, “We are thrilled to be moving forward with this project in Arcadia. Not only will this expansion allow us to produce more chicken, more efficiently, but it will also improve working conditions at the facilities and create a more pleasant working environment. Expanding in Arcadia at this time makes great sense strategically for the long-term success of the company, our customers, our grower partners and our employees.”

The next steps in the expansion process for the company include finalizing and announcing the location of the new \$8 million hatchery, creating the internal team to lead and manage the expansion project, and soliciting and interviewing new growers.

Gold’n Plump currently has over 250 breeder and grower barns through contracted agreements with family farmers in central Minnesota and southwestern Wisconsin. “Breeder” barns refer to the chickens that lay and hatch eggs, while “broilers” are the chickens that are raised for processing. Requirements and criteria for each type of operation vary. “We really view the relationship between Gold’n Plump and our contracted growers as a partnership,” said Helgeson. “We do everything we can to ensure their success. This is a great opportunity for family farms to earn a supplemental income and have increased financial stability.” Farmers interested in applying to become a Gold’n Plump grower should call (608) 323-2805.

(more)

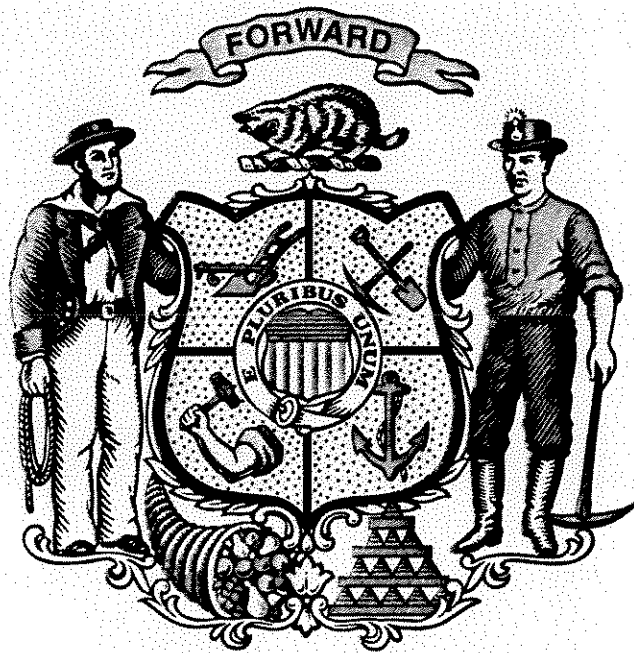
(continued from page 2)

The Gold'n Plump brand has become one of the most recognized brand names in the Midwest, contributing to the increase in demand for Gold'n Plump premium chicken products.

Visit www.goldnplump.com for information on its full line of poultry products, as well as side-dish suggestions, innovative chicken-based recipes, general cooking and safe handling tips, chicken nutrition information, company history, background and more.

Based in St. Cloud, Minn., Gold'n Plump Poultry is a family-owned provider of premium chicken products to retail, deli and foodservice customers throughout the Midwest and in other parts of the country. The company employs about 1,600 people and contracts with more than 250 growers in Minnesota and Wisconsin.

###



Kapanke bill would change how DNR regulates farms

By REID MAGNEY / La Crosse Tribune

As every child knows, Old MacDonald's farm had a cow, some pigs and some chickens.

Today, the government doesn't count individual cows, pigs and chickens. It counts animal units, based on how much manure each animal can produce.

For example, the Wisconsin Department of Natural Resources counts each dairy cow as 1.4 units, while each chicken is 0.01 units.

State Sen. Dan Kapanke, R-La Crosse, wants to tinker with how the DNR adds up those numbers to decide which farms should be regulated. Kapanke's Senate Agriculture Committee will hold a hearing this morning in Madison on the bill.

Kapanke was unavailable for comment late Tuesday.

Environmentalists are concerned that if passed, the bill will lead to more manure spills and fish kills.

"The impact of the bill is devastating, in that it actually removes DNR authority over existing livestock factories — up to 16 operations," said attorney Andrew Hanson of Midwest Environmental Advocates, which monitors factory farm issues.

Kapanke's bill would use U.S. Environmental Protection Agency standards for concentrated animal feeding operations, which Hanson said are less stringent than Wisconsin standards.

Kapanke's changes would prevent different kinds of animals from being added together. It also makes some changes in the number of animal units assigned to different types of animals.

When a farm reaches 500 animal units, local governments can have a say about where they're located. DNR regulates farms with more than 1,000 animal units.

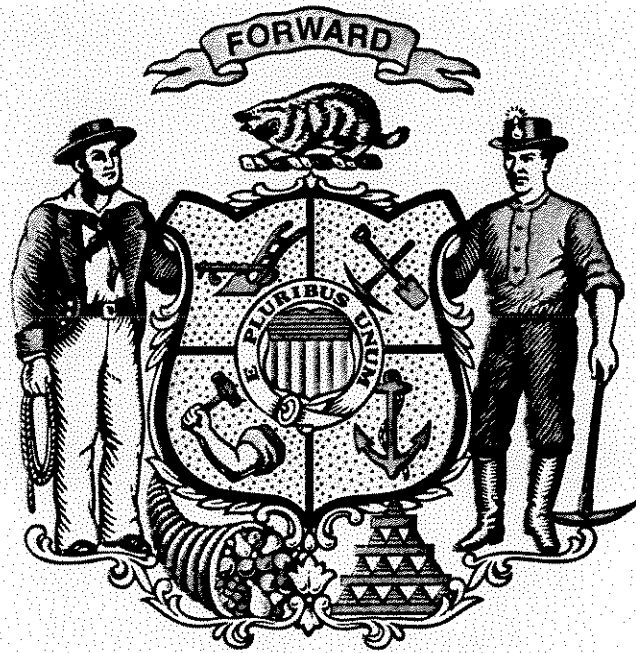
Hanson said one of the farms that could be deregulated by the bill is Chapman Brothers Dairy near Tomah, Wis.

According to a DNR analysis, the Chapman farm has 1,237.7 animal units under current rules, which count all the animals. Under the EPA rules, which count only the largest number of one kind of animal, it would have 665 units.

The Chapmans could not be reached for comment.

"Remember Jersey Valley Lake? That spill was caused by an unregulated CAFO," Hanson said, referring to a manure spill that closed a lake near Westby, Wis., in March 2005. "Senator Kapanke's bill is tempting fate by hindering the DNR's ability to prevent these problems before they arise."

Reid Magney can be reached at rmagney@lacrossetribune.com or (608) 791-8211.



MARATHON SPEAKS
FOR MARATHON

They are small —
Compared to —

CONOCO

B.P.

MOBILE

SHELL