

# Family farms deserve support

As a staff attorney for Midwest Environmental Advocates, I recently spoke to Dairy Business Association members at the organization's annual conference on Nov. 30. The experience was enlightening.

MEA is a nonprofit environmental law center that provides technical assistance and legal representation to communities working for clean air, water and government.

We have been active in our efforts to prevent pollution of the air and public waters from large quantities of manure stored at what are known as "concentrated animal feeding operations" or "CAFOs." For dairy operations, a large CAFO confines 700 milk cows or more and stores millions of gallons of liquid manure in large open-air pits.

Wisconsin has 118 of these operations — a small fraction of the state's 15,000 dairy farms.

At the conference, I participated in a session titled "A Blueprint for Dialogue."

During the question-and-answer session, David Crass, an attorney and lobbyist representing the Dairy Business Association, suggested that MEA file citizen enforcement actions against small family farmers for discharging manure to public waters, if we also file those suits against the largest CAFOs in Wisconsin. Mr. Crass' main complaint appeared not only to be that we enforce the law against those who break it, including large CAFOs, but that we should more aggressively enforce the law against family farms.

Upon further reflection since the conference, I have come to recognize that Mr. Crass' suggestion was a strange one indeed, in that it appeared to cast

blame rather than offer solutions. This, from an organization that claims to represent "large and small operations" and whose mission is to "improve the image of dairy farms."

Mr. Crass' comment is also strange in light of a Nov. 28 press release by the Dairy Business Association that appeared to defend a large CAFO that had a long history of manure runoff to a local stream. This is, perhaps, no coincidence, considering that Mr. Crass' law firm was paid to defend that CAFO in a lawsuit brought by a rural family fed up with years of pollution — and a well contaminated with manure.

But Mr. Crass' comment was especially concerning because it assumed that citizen enforcement was the only tool to address manure discharges to streams and lakes by the small family farmers that have had those problems.

MEA has chosen to focus on collaborative approaches with smaller family farmers, not the heavy-handed enforcement that Mr. Crass suggests. The approach is intended to be sensitive to the difficulty faced by small farmers of paying for environmental practices that the largest livestock operations should have already planned for when they expanded their facilities.

For example, in Dane County, MEA worked with county officials and family farmers to formulate winter manure-spreading guidelines that reflect small farmers' production costs but at the same time ask those farmers to plan for winter liquid manure applications that reduce the risk of environmental harm.

## in my opinion

By  
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Also, MEA and other conservationists have vigorously lobbied the state Legislature to adequately fund and implement the statewide performance standards for agricultural runoff, called "non-point pollution." More than three years after passage of those rules, many small farmers and county conservationists are still waiting to receive the needed funds to implement environmental practices.

Finally, for the largest CAFOs, we have worked with the DNR to develop solid and liquid manure-spreading practices on frozen and snow-covered ground that will prevent manure from running off into streams and contaminating private wells.

The DBA has stated that it opposes those standards as "arbitrary" and "capricious," despite the number of well

contaminations and fishkills that occurred in 2004 and 2005 — including those that the DNR's proposal might have prevented.

The bottom line is that different problems require different approaches. Citizen enforcement against small family farms is simply not the best approach to prevent water pollution when other more collaborative approaches are available.

We hope the DBA agrees and will join MEA in our efforts to protect public health through a variety of approaches — whether through enforcement or collaboration.

This would be one small step towards a true "blueprint for dialogue."

*Andrew Hanson is a staff attorney with Midwest Environmental Advocates, a nonprofit environmental law center working for clean air, water and government.*