

Midwest Environmental ADVOCATES

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Contact: Andrew C. Hanson
608-251-5047 ext. 2 (w)
608-628-2429 (c)

Advocates for Clean Water Oppose Factory Farm Exemption Bill *Proposal Means Some Manure Doesn't Count When Applying DNR Standards*

Madison, WI – Advocates for clean streams and groundwater today announced their opposition to a recently introduced bill, SB 504, that would exempt up to 11% of the state's factory farms from Wisconsin Department of Natural Resources' oversight.

"This bill will contribute to the growing list of manure spills, well-contaminations, sick kids, and fish kills that Wisconsin saw in 2004 and 2005," said Andrew Hanson, a staff attorney with Midwest Environmental Advocates, Inc., a nonprofit environmental law center that represents rural families and communities working to protect their drinking water and streams from manure spills.

Introduced by Senator Dan Kapanke (R-LaCrosse), SB 504 would require the DNR to follow the Bush Administration regulations enacted by the U.S. Environmental Protection Agency for counting animals at large livestock operations to determine whether they need a permit. Permits are generally required for operations that house more than 1,000 "animal units."

Under the Bush-EPA rules, the DNR would only look at one type of livestock (e.g. milk cows) at a facility to determine whether the operation had more than 1,000 animal units, and therefore whether the operation had to follow a permit intended to reduce pollution in streams.

Currently, Wisconsin looks at all animal types present at an operation in making that determination. For instance, if a facility houses milk cows and heifers, both types of animals would be counted to determine whether a permit is required. Only looking at one animal type means that some cows don't count. The immediate impact of this is that 11% of livestock operations, or 16 operations, that currently need to meet clean water permit requirements will no longer have to do so.

There were 52 recorded manure runoff events between July of 2004 and June of 2005 in Wisconsin. Several more manure spills have occurred since then, and most are from livestock operations over which the DNR has little or no regulatory authority. "I have no idea why any legislator would vote for a bill that increases this already growing problem," said Hanson.

"My children were sickened by a manure spill caused by a factory farm," said Judy Treml of rural Luxemburg, Kewaunee County in northeastern Wisconsin. "And, this bill will eliminate DNR oversight of the operation that caused our well contamination. SB 504 is a giveaway to factory farms and an attack on my family and my children."

Proponents of the bill claim that SB 504 is necessary to create consistency with the federal method for counting livestock. However, several states continue to count all animal types, including Minnesota, California, Iowa, and Idaho. Federal law does not require states to use the federal method for counting livestock.

FAST FACTS

- Midwest Environmental Advocates is Wisconsin's first and only non-profit, public interest environmental law center. Midwest Environmental Advocates provides legal representation and community organizing assistance to groups that are working to protect air and water resources. For more information, go to www.midwestadvocates.org.
- The bill's author, Senator Kapanke, can be reached at (608) 266-5490 or toll free at 1-800-385-3385. Senator Kapanke is the Chair of the Senate Committee on Agriculture and Insurance, and has scheduled a hearing on SB 504 on January 18, 2006, just one full working day after Senator Kapanke introduced the bill.
- SB 504 requires Wisconsin to define "Large Concentrated Animal Feeding Operation" or "Large CAFO" the same way the 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." 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. However, SB 504 requires the DNR and Department of Agriculture to ignore those other animals.
- By way of example, 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 be regulated by the DNR.