



January 10, 2022

Town of Laketown Board of Supervisors
Laketown Town Hall
2153 275th Avenue
Cushing, Wisconsin 54006

SENT VIA ELECTRONIC MAIL

RE: Opposition to the Proposed CAFO Ordinance

Chairman King:

Wisconsin Manufacturers & Commerce (WMC), the Wisconsin Dairy Alliance (WDA), and Venture Dairy Cooperative are vehemently opposed to the proposed "Concentrated Animal Feeding Operations (CAFO) Ordinance." Not only is it bad policy, but it is unlawful.

WMC is the largest general business association in Wisconsin, representing approximately 3,800 member companies of all sizes, and from every sector of the economy. Since 1911, our mission has been to make Wisconsin the most competitive state in the nation to do business. That mission includes advocating for regulatory certainty for farmers, food manufacturers, and many others that depend on a strong agricultural industry in the state.

WDA represents modern regulated dairy farms in Wisconsin and works diligently to preserve Wisconsin's heritage as the Dairy State. Venture Dairy Cooperative works to combat unnecessary regulations, reduce government bureaucracy and advance smart policy to support the future of dairy farmers in Wisconsin.

It is deeply concerning to Wisconsin's business community, especially Wisconsin's agricultural sector, that the town board continues to move forward with proposals like these despite nearly unanimous opposition by farmers, agricultural business, agricultural associations, and county and town legal counsel. Farmers comprise a vital and necessary part of Wisconsin's economy. Enacting this ordinance will only serve to harm local farms and your agricultural future, and likely lead to reputation-damaging litigation for which your taxpayers (including the farmers you are harming) will have to pay.

Farmers are some of the most responsible conservationists of our land throughout the state. Wisconsin farmers, and especially large producers, work consistently to lower their environmental footprint through improved farming practices, including responsible and mandated nutrient management. The ability of farmers to continue to efficiently feed the world is compromised when policymakers ignore farmers and enact policies like this proposed ordinance. Farmers rely on clean water and soil to be successful and sustainable. We want clean water too. However, it is counter-productive to continue to barrage large producers with new regulations when your current standards that are in place are largely not being followed. Imposition of new burdensome regulations do nothing but cost farmers tremendous amounts of money while doing very little to actually improve water quality. Wisconsin CAFOs are already held to some of the highest standards in the United States. They must abide by Nutrient Management Plans and are audited annually by the DNR to ensure they are compliant. CAFOs are already subject to a zero-discharge standard per the terms of their stringent Wisconsin Pollutant Discharge Elimination System (WPDES) permit

Our members stand against this attempt to creatively skirt state law and enact policy that will ensure no farm will be able to grow. Eliminating a business plan option for generational family farms, and negatively affecting the future value of their equity, which is often times their retirement plan, is unfair to your local farmers. Piling on a parallel regulatory scheme alongside the State's makes expansion out of the question. So, if the goal of this Board is to tell farmers to "get out" if their business plan is to grow and expand, then tell us that that is your goal. Be clear about your intention as it relates to agriculture so your farmer-constituents know where you stand. Be straightforward instead of renewing "temporary" moratoria in perpetuity or enacting extreme licensure schemes like this under the guise of improving the environment.

This Board's anti-agricultural agenda has been on display with its continued support of a moratorium despite its awareness of its legal flaws. Now that agenda continues with this anti-farm, activist-driven draft ordinance.

With this ordinance, the Board is attempting to step into the shoes of the state and implement its own regulatory scheme without any requisite authority in law, or, in fact, seemingly any concern about what they can and cannot legally do. The proposal is frankly insulting and disregards the extremely stringent regulatory scheme which already exists for large farms.

The proposed Ordinance gives the Town nearly unfettered authority to impose any condition on licensure as long as the Town determines that it is "reasonable and necessary" to protect public health. There are no bounds on what conditions the town might impose and moreover, no notice to the Town's constituent-farmers as to what conditions they may be subject to under the ordinance.

Moreover, under the proposal, a farmer must pay for any legal services, consulting fees or other costs incurred by the Town when it does its review of the application. This is yet another provision that intends on ensuring no farmer applies. There are not limitations on what costs a Town might incur during this process and no way for a farmer to predict what they might owe. Ordinances like these drive costs up and farmers out of Wisconsin.

Not only is the ordinance bad public policy, it is also unlawful.

If adopted, this ordinance will be unenforceable and illegal because it is preempted by and conflicts with the State Livestock Siting Law. The statute is clear that if local units of government choose to regulate livestock operations, it may only do so in a manner consistent with the state law -- a law that has been upheld by the Wisconsin Supreme Court. The ordinance conflicts with the siting law by requiring the development of multiple plans not required by state law and without establishing that such more stringent regulations are required in this specific jurisdiction. Additionally, the ordinance provides none of these plans, making compliance with the requirement impossible because there are no standards against which the Town will judge these plans for compliance with the ordinance or not. This renders the ordinance illegally vague and violates farmer's due process rights. Where water quality concerns are involved, which is pointed to throughout the ordinance, the Town must first obtain the approval of the ordinance by either DNR or DATCP to be enforceable, which has not been done. As such, the ordinance fails procedurally and is illegal to enforce. The Town should not adopt it until it corrects these problems, or it is simply inviting a lawsuit.

If you stand with farmers and believe in the responsible use of your constituents' tax dollars, you will reject this proposed ordinance.

Sincerely,

Kim Bremmer- Venture Dairy Cooperative

Cindy Leitner- Wisconsin Dairy Alliance

Scott Manley- Wisconsin Manufactures & Commerce

cc: Town of Laketown Board of Supervisors