

Background information for WFU Special Order of Business — Regulation of Large Livestock Facilities and CAFOs

- Per 93.90(2)(a) DATCP shall promulgate rules specifying standards for siting and expanding livestock facilities
- Per 93.90(2)(b) DATCP shall consider whether the proposed standards are **all** of the following: **protective of public health or safety**, practical and workable, cost-effective, objective, based on available scientific information that's been subjected to peer review, designed to promote the growth and viability of animal agriculture in Wisconsin, **designed to promote the growth and viability of farm operations with protecting natural resources and other community interests**, and usable by officials of political subdivisions
- **The 2004 statute and 2006 rule have not been revised since their adoption.** Revisions of ATCP 51 were initiated in 2010 and 2015 but on each occasion the revision was placed on hold. The current scope statement is set to expire February 2020
- Per 281.15(1) the DNR “shall promulgate rules setting standards of water quality in WI. Water quality standards shall **protect the public interest, which include the protection of the public health and welfare and the present and prospective future use of such waters for public and private water systems**, propagation of fish and aquatic life and wildlife, domestic and recreational purposes and agricultural, commercial, industrial and other legitimate uses. **In all cases where the potential uses of water are in conflict, water quality standards shall be interpreted to protect the general public interest.**” This is important because 281.15 is referenced in the 92.15 — the statute that requires local political subdivisions to seek DATCP or DNR approval for more stringent standards that relate to water quality. Based on the defunding of the DNR, the removal of their authority under Walker, and the ground and surface water pollution we've seen around the state — they are not protecting public health and safety and yet, local governments are not able to pass protective ordinances without approval from DNR or DATCP. We ran into this issue in Bayfield County with the South Fish Creek Manure Storage and Management Ordinance (it was rejected by the DNR)
- The Right to Farm Law, combined with the state's removal of local control over CAFO siting has created an environment where citizen's have little to no recourse when faced with a nuisance CAFO. Citizens need to be able to pass local ordinances and zoning laws that protect their communities' health, water, air, and property values
- The one-size-fits-all permitting scheme is unreasonable and is failing to protect public health and safety