

2026 WCA Conference
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Questions for Panel

Livestock Siting Ordinances That Work

Wisconsin's Livestock Facility Siting Law establishes uniform statewide standards for the siting and expansion of livestock operations. Designed to provide consistency and predictability for both farmers and local governments, it sets science-based requirements for setbacks, odor management, manure storage, runoff protection, and more. Join us to learn more.

Speakers: Erin Tomasik, Dairy Business Association Local Affairs Manager; Nate Zimdars, Wisconsin Farm Bureau Federation Director of Local Government; and Matt Jacowski, Portage County Board Supervisor

Moderator: Marty Krueger, Sauk County Board Supervisor

Background:

Wisconsin's Livestock Facility Siting Law (Wis. Stat. 93.90) passed in 2004, and the rule that implements it (ATCP 51) took effect in 2006. **The law preempts local authority over livestock siting.** A county or town can decide whether to permit livestock facilities at all, but that's the extent of the choice. If it permits, it must use the state's standards and procedures, not its own. The only way above the state floor is a narrow exception: the local government can adopt stricter standards but they must be based on "reasonable and scientifically defensible findings of fact" showing it's necessary to protect public health or safety.

DATCP is required to review the Livestock Facility Siting Law standards every four years, and Technical Expert Committees have made recommendations in 2010, 2014-15, 2018-19, and 2022-23. None have been adopted. The 2019 package went through six public hearings and reached the DATCP board before the item was pulled. Meanwhile the number of new CAFOs and the expansion of existing CAFOs has continued to increase. Wisconsin had roughly 150 permitted CAFOs when the law passed and has over 300 now. Further, WI has multiple super-sized CAFOs with over 5,000 AUs.

Questions for the Panel:

1. **How does WU 93.90 work for the Wisconsin expansions we are seeing of 10,000 cows, 26,000 hogs and 3 million chickens?**

The setback, odor, and manure storage standards in ATCP 51 apply the same

way to an operation at 1,000 animal units and one at 9,600. Is there a size at which the panel believes the standards should change? And if so, which ones?

2. **Four committees, no revisions. What would you change?**

Technical Expert Committees have made recommendations in 2010, 2014-15, 2018-19, and 2022-23, and the rule hasn't been revised since adoption. If each of you could make one change to ATP 51 today, what would it be?

3. **Why local control for data centers, and not CAFOs.**

Under current Wisconsin law, a county can zone a billion-dollar data center out entirely. It can decide the use doesn't belong here and say no. It cannot do that with a CAFO. Wisconsin's Livestock Siting Law takes that decision away from local government. A county can choose whether to require a Livestock Siting permit but if it does, it has to use the state's standards, not its own, and it can't deny an application that meets them. Why does a community get the final say on data centers and not for CAFOs?

4. **Next time around, we need a local control perspective**

WCA suggests candidates for the county representative on the Livestock Facility Siting Review Board and WCA members passed a local control resolution in 2025. Would WCA consider building next year's siting session with a local control perspective on the panel?

5. **Lack of standards for large mortality events**

Since the Livestock Siting Law was last reviewed, 11 Wisconsin counties have had avian influenza outbreaks, including a Dodge County dairy cattle outbreak and the loss of close to 10 million birds in Jefferson County.

6. **Need ability to withdraw or deny local approval after multiple disease outbreaks**

Some sites had 3 or 4 outbreaks in the past 5 years alone. Site-specific characteristics make disease response and mortality management challenging and dangerous to surrounding livestock, farm workers, wildlife, the environment, and public health and safety.

7. **Lack of standards for wastewater treatment plants**

City treatment facilities have to process CAFO wastewater from egg farms and slurry/sludge from dairy farms. This taxes operations and contributes to exceedances on existing DNR wastewater permits. (City of Jefferson, City of Fort Atkinson)