

Capitol LINK

CURRENT ISSUES AFFECTING WISCONSIN AGRICULTURE & AGRI-BUSINESS

January 2008

NR Board Delays Action on Air Permitting Implementation Date for Livestock Operations

By Jordan Lamb

On Tuesday, January 22, 2008, the Natural Resources Board tabled its discussion of the Wisconsin Department of Natural Resources (DNR) staff's recommendation to extend the implementation date for Wisconsin Administrative Rule, NR 445, with regard to air permit and hazardous air pollutant requirements for emissions associated with agricultural waste until July 31, 2011. According to DNR staff, the recommended extension more suitably corresponds to the projected completion dates for both state and federal air emissions studies on livestock operations, which are intended to establish criteria for assessing which livestock operations may be exceeding the hazardous air pollutant thresholds and, therefore, must be issued air permits from the DNR.

Seventeen individuals provided the NR Board with comments prior to the Board's discussion. The majority of those testifying supported the extended implementation deadline. However, several NR Board members expressed concern about potential harm to human health that could result from delaying implementation of the air permitting program on livestock operations. Accordingly, after three hours of public testimony and strong expression of support for the proposal from the agricultural community, the Board tabled the discussion of the proposed extension until their February meeting.

Background Information on NR 445:

NR 445 was originally adopted in 1988 and was aimed at industrial emissions. It was never intended to regulate agricultural emissions. No agricultural representatives were members of the committee that developed the original rule.

Nonetheless, in the spring of 2004, NR 445 was revised to address, among other issues, concerns raised by the potential application of the rule to livestock operations. In response to a letter sent to the Department from the chairs of the Senate and Assembly Natural Resources Committees requesting that agricultural facilities and livestock operations be exempted from NR 445 because the rule was never intended to apply to agricultural sources, the rule was amended to include a three-year exemption from NR 445 and from permitting requirements for emissions associated with agricultural waste. This three-year period ended on July 1, 2007.

Both the DNR and the EPA have authority to address air emissions from agricultural operations under several laws, including NR 445. However, implementation and enforcement of these laws requires

scientifically credible data on agricultural air emissions and accurate measurement of emissions to determine whether regulated pollutants are emitted in quantities that exceed specified thresholds. Neither the DNR nor the EPA has this data at this time.

When NR 445 becomes effective with regard to emissions associated with agricultural waste, the DNR will be required to not only establish emissions thresholds for agricultural sources, but the DNR will also be required to issue air permits for all new and existing farms in Wisconsin that exceed those established emissions thresholds. If emissions these factors are not properly established prior to the effective date of this air permitting requirement for agricultural sources, it is unclear what criteria DNR will use to issue these permits to Wisconsin farmers or how many Wisconsin farms could be required to obtain air permits.

Wisconsin Attorney General Supports FWS Wolf Delisting

By Jordan Lamb

Wisconsin Attorney General, J.B. Van Hollen joined in a brief supporting of the United States Fish and Wildlife Service's (FWS) decision to delist the gray wolf from the federal endangered species list in the Western Great Lakes states. The FWS based its decision upon the documented recovery of the gray wolf population in the Western Great Lakes states.

This lawsuit, which was filed on April 16, 2007 by the Humane Society of the United States, Help Our Wolves Live and the Animal Protection Institute, demands that the FWS be prevented from removing the gray wolf from the federal endangered species list in Wisconsin, Minnesota and Michigan and challenges the basis upon which FWS made their determination that wolves are no longer endangered in Wisconsin.

The FWS has worked for years with Wisconsin's Department of Natural Resources, which crafted a very progressive wolf management plan designed to preserve a growing wolf population in our state while, at the same time, designed to balance the needs of the communities in which the wolves make their homes. In the lawsuit, opponents of delisting are essentially challenging Wisconsin's wolf management plan and challenging Wisconsin's success in creating a thriving wolf population. The gray wolf population, if left unmanaged, presents a distinct threat to Wisconsin's livestock production.

Governor Doyle Delivers State of the State Address

By Jordan Lamb

With only weeks left in the legislative session, Governor Jim Doyle delivered his State of the State address on January 23rd and revealed his plan to "grow Wisconsin." The Governor noted that challenging economic times lie ahead for Wisconsin citizens, but also stated that Wisconsin has an "ability to transform challenge into opportunity; to face difficulties and overcome."

With regard to agriculture, Governor Doyle said, "Wisconsin manufacturing and agriculture are the core of who we are. We must streamline regulation and make smart investments in the next generation of these industries. Today we're producing more milk than we have in twenty years because we helped our dairy industry become more efficient." The Governor also unveiled a series of business initiatives intended to stimulate the State's economy and called for a new health care program for small businesses. The full text of the Governor's address is available online at <http://www.wisgov.state.wi.us/docview.asp?docid=12937>.

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