

Capitol LINK

CURRENT ISSUES AFFECTING WISCONSIN AGRICULTURE & AGRI-BUSINESS

December 23, 2009

– Merry Christmas from Professional Dairy Producers of Wisconsin!

NR 151 Hearing Dates Released

By Jordan Lamb, DeWitt Ross & Stevens

The Department of Natural Resources has released the following schedule of hearings at which the DNR will take public testimony on their proposed changes to Wis. Admin. Code. § NR 151, Wisconsin's nonpoint source pollution rule. This rule impacts every single livestock and agriculture producer in WI:

- Jan. 25, 2010 Outagamie County Highway Department, Highway Shop
Conference Room, 1313 Holland Road, Appleton – 1:00 p.m.
- Jan. 28, 2010 Best Western Trail Lodge, 3340 Mondovi Road,
Room “Chippewa #1,” Eau Claire – 1:00 p.m.
- Feb. 2, 2010 State Office Bldg., 141 NW Barstow Street,
Room 151, Waukesha – 1:00 p.m.
- Feb. 10, 2010 Lyman F. Anderson Agricultural and Conservation Center,
1 Fen Oak Court, Classrooms A & B (1st Floor), Madison – 1:00 p.m.
- Feb. 11, 2010 Rib Mountain Municipal Center, 3700 N. Mountain Road,
(Hwy NN), Wausau – 1:00 p.m.

Each hearing will begin with a 1 hour informational session followed by formal testimony.

The proposed rule revisions and supporting documents may be viewed and downloaded from <https://health.wisconsin.gov/admrules/public/Rmo?nRmId=1703>.

Comments can also be submitted electronically from that website.

Written comments may be submitted via U.S. Mail to:

Carol Holden
DNR – WT3
P.O. Box 7921
Madison, WI 53707-7921

Or via email to Carol Holden at carol.holden@wisconsin.gov.

Comments may be submitted until Feb. 26, 2010.

State Climate Change Draft Revealed

By Jordan Lamb, DeWitt Ross & Stevens

In response to recommendations that were made by the Governor's Task Force on Global Warming in June 2008, the Wisconsin legislature has released a draft of a Wisconsin “Climate Change” bill that would implement a number of the Task Force proposals including the creation of statewide greenhouse gas (GHG) reduction goals.

Likely to be of most interest to farmers are the provisions in the bill that require the creation of a “low carbon fuel standard,” several provisions related to the production of biomass; and the proposed adoption of California car emissions standards.

The proposed low carbon fuel standard provision would require the Department of Natural Resources to promulgate an administrative rule establishing which “low carbon” transportation fuels can be sold in Wisconsin. This rulemaking is triggered *if* the Midwest Governor’s Association (MGA) adopts a low carbon fuel standard proposal and that proposal is endorsed by a majority of the MGA governors who support the MGA platform on climate change. The DNR is directed to promulgate a low carbon standard for transportation fuels that is “consistent with” the MGA recommendations once those recommendations have been made. This provision could change the type of transportation fuels that are sold in Wisconsin, as it is directed to specify a carbon threshold for such fuels.

The bill includes a number of provisions relating to the production of biomass as a feedstock for the production of fuel or energy including:

- Creating an Energy Crop Reserve Program, under which the Department of Agriculture, Trade and Consumer Protection (DATCP) makes payments to land owners to subsidize the establishment and production of biomass crops;
- Directing DNR, with several other agencies, to take a variety of actions to encourage the production of biomass for energy uses from private forest lands in Wisconsin; and
- Directing DATCP, with DNR, to study the adequacy of current incentives, in the market and in government programs, to prompt producers to produce enough biomass for use as a bioenergy feedstock to significantly contribute to achievement of the state’s greenhouse gas (GHG) emission reduction goals.

The bill also authorizes the DNR to specify, by rule, vehicle emission limitations identical to the California zero emission vehicle standards, if DNR determines they would be an effective and efficient part of the state’s strategy for meeting the statewide GHG emission reduction goals. The Wisconsin Corn Growers Association, the Alliance of Automobile Manufacturers and Wisconsin Automobile & Truck Dealers Association have express opposition to this provision. (To review a copy of their letter in opposition to this provision, go to http://wispolitics.com/1006/091215AAM_letter.pdf.)

It is anticipated that this omnibus climate change legislation will be introduced and available for public hearings in January 2010.

Legislation Authorizing Sale of Raw Milk Introduced

By Jordan Lamb, DeWitt Ross & Stevens

State Representative Chris Danou (D-Trempealeau) and Senator Pat Kreitlow (D-Chippewa Falls) have introduced AB 628 and SB 434, respectively, which authorize a dairy farmer with a grade A dairy farm permit to sell unpasteurized milk, buttermilk, butter, and cream directly to consumers on the farm if the dairy farmer obtains a raw milk permit from the Department of Agriculture, Trade and Consumer Protection, the container is prepared and filled in a sanitary manner, and the dairy farmer displays a sign indicating that raw milk does not provide the protection of pasteurization. The bill also provides that a dairy farmer is not liable for selling a product as authorized by the bill, except in cases of willful or wanton acts or omissions.

This legislation has been referred to the Assembly Committee on Rural Economic Development, chaired by Representative Phil Garthwaite (D-Dickeyville) and the Senate Committee on Agriculture and Higher Education, chaired by Senator Kathleen Vinehout (D-Alma).

Farmers' Health Cooperative Selects New Insurance Carrier

By Jordan Lamb, DeWitt Ross & Stevens

The Farmers' Health Cooperative of Wisconsin has announced that has selected a new insurance carrier for 2010. The Cooperative is switching from Aetna to Anthem Blue Cross and Blue Shield due to rising administrative costs. Members' premiums are expected to increase next year but the switch to Anthem Blue Cross Blue Shield is expected to produce a smaller increase than remaining with Aetna. For more information, call 800-539-9370 or visit the Cooperative website: <http://www.farmershealthcooperative.com>.

Upcoming Ag Events at UW-Madison

- Third Annual "Wisconsin Agricultural Economic Outlook Forum," Jan. 20, 2010 at the Pyle Center. <http://www.cals.wisc.edu/agoutlook/>
- Celebration of 125 years – Farm & Industry Short Course Reunion, Jan. 30, 2010. <http://www.uwalumni.com/home/shortcourse.aspx>
- UW-Madison Food Summit, Apr. 23, 2010 (part of Alumni weekend). <http://www.uwalumni.com/home/reunions/alumniweekend/alumniweekend.aspx>

Capitol Link Details

The PDPW *Capitol Link* monthly e-newsletter is sponsored by DeWitt Ross & Stevens law firm. DeWitt Ross & Stevens is a Wisconsin law firm whose members are leaders in their areas of practice and in their communities. Founded in 1903, today there are more than 80 attorneys in their Madison and Milwaukee offices. Nominated by peers as top lawyers nationally and locally, DeWitt's attorneys offer numerous services including strategic counseling, advocacy, collaboration, alternative dispute resolution, negotiation, mediation, lobbying, and litigation.

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Jordan Lamb is a partner at DeWitt Ross & Stevens' Capitol Square office in Madison. Jordan's law practice focuses on government relations and administrative law. She concentrates on legislative drafting, legislative research, and facilitating communication between clients and state government including administrative agencies and the State Legislature. Ms. Lamb also offers litigation support for administrative law issues. Jordan can be contacted at 608-252-9358 or at ijkl@dewittross.com. For more information about DeWitt Ross & Stevens, go to www.dewittross.com.



Brought to you by:
Professional Dairy Producers of Wisconsin
N5776 County Road D, Suite 1
Fond du Lac, WI 54937
Phone: 800-947-7379
mail@pdpw.org
www.pdpw.org