

## **WPA Year-End Legislative Summary**

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After almost 12 months of legislative action, the Wisconsin State Legislature is heading into the home stretch of the 2017-18 legislative session. This session began in January 2017 and it will conclude sometime in early spring of 2018.

The Wisconsin Pork Association's state advocacy program has been busy this session with the state budget bill, legislation to provide certainty to existing high capacity well owners, and participating in the development of multiple administrative rules related both to environmental standards and animal health issues. Although there are still several months left in this legislative session, below is a summary of what we have been working on for Wisconsin pork producers this year.

**ENACTED - 2017-19 State Budget Bill.** The 2017-19 biennial budget contained a number of provisions that are important for Wisconsin farmers including preserving the implements of husbandry no-fee permit system; providing \$500,000 for producer-led watershed protection grants; funding the Wisconsin Livestock Identification Consortium (WLIC) with \$500,000 over the 2017-19 biennium (or \$250,000 per year); providing an additional \$114,600 annually for two full-time positions assigned to work on wastewater permitting activities for concentrated animal feeding operations (CAFOs); and providing \$400,000 from the DNR's environmental fund to conduct the hydrologic evaluation and modeling of the impacts of high capacity wells on specific areas designated in 2017 Wisconsin Act 10 (see below.)

**ENACTED - High Capacity Well Legislation – 2017 WI Act 10.** On June 2, 2017, Governor Walker signed legislation which provides certainty to Wisconsin high capacity well owners with regard to repair, replacement, reconstruction and transfer of ownership of existing high capacity, permitted, wells. In addition, the legislation requires the DNR to study the hydrology of three lakes in the central sands area of Wisconsin. This new statute provides much needed certainty for WPA farmers with high capacity wells and irrigated farmland.

**PENDING - Revision of Wis. Admin. Code s. ATCP 10 – PRRS / SECD Rule - CR 17-011.** This session, WPA has been working with the Department of Agriculture, Trade and Consumer Protection on revisions to Wis. Admin. Code s. ATCP 10, that would revise the testing requirements for commercial swine imported into, or moving within, Wisconsin, in order to control the spread of the porcine reproductive and respiratory syndrome (PRRS) and swine enteric coronavirus disease (SECD). The proposed rule, which is currently pending before the legislature as a part of the administrative rules process, has been carefully developed with input and leadership from Wisconsin farmers. The goals of the rule change are to control and reduce prevalence of PRRS and SECD, and to prevent spread on positive sites. **Link to draft of revisions to ATCP 10:**

[https://docs.legis.wisconsin.gov/code/misc/chr/lc\\_ruletext/cr\\_17\\_011\\_rule\\_text\\_filed\\_with\\_lc\\_cl\\_earinghouse.pdf](https://docs.legis.wisconsin.gov/code/misc/chr/lc_ruletext/cr_17_011_rule_text_filed_with_lc_cl_earinghouse.pdf)

**PENDING - Revision of Wis. Admin. Code ATCP 51 – Livestock Facility Siting Rule Revisions.** At their July 20, 2017 meeting, the DATCP Board reviewed proposed revisions to ATCP 51 in the form of a draft rule change. However, the Board has not yet taken action on the

draft rule. The Board directed DATCP to conduct several stakeholder meetings to get feedback on the proposed changes and report back to the Board with additional information. Accordingly, no hearings have been set for this rule draft. The proposed Livestock Facility Siting Rule (ATCP 51) revises several areas, including incorporating revised ATCP 50 (the new “590”), creating new setbacks from property lines and roads, and creating a new system for evaluating odor from livestock structures, which is based on setback distances, as opposed to the current “odor scoring” method. WPA is closely evaluating these proposed changes for effects that the revisions could have on new or expanding hog farms in Wisconsin. **Link to draft – ATCP 51:** <https://datcp.wi.gov/Documents/07202017.10.ATCP51HearingDraft.pdf>

**PENDING – Development of New Targeted Performance Standard for Application of Manure Over Karst – Revision of Wis. Admin. Code s. NR 151.** The DNR has proposed revisions to Wis. Admin. Code s. NR 151, Wisconsin’s nonpoint source pollution performance standards and prohibitions, as a mechanism to address pathogens in groundwater in certain areas of the state. The draft rule establishes the geographic area for implementation of the new targeted performance standard for the application of manure over “Silurian bedrock.” This area is defined as 15 counties in the northeast and eastern part of the state. In this region, the rule creates new performance standards where there is 20 feet or less of soils over Silurian bedrock but defers development of the methodology that will be used to verify soil depth to the DATCP corresponding rule – ATCP 50, which will occur after this revision to NR 151 is adopted. Hearings were held on the draft rule in September 2017 and the final rule is expected to be presented to the Natural Resources Board for approval in time for the rule to move ahead during this legislative session. WPA has participated in the development of this rule at every opportunity for public input and will continue to do so as it moves through the administrative rule process.

**NEW – Proposed Move CAFO Permitting Program from DNR to DATCP.** Gov. Scott Walker recently made an announcement as a part of the roll-out of his Rural Agenda that he would be looking at transferring regulatory authority of CAFOs to the Department of Agriculture, Trade and Consumer Protection from Department of Natural Resources. A similar provision that called for a study of transferring that authority from DNR to DATCP was removed from the budget earlier this year since it is a non-fiscal policy item. This proposal is of keen interest to WPA and our farmer members who support having adequate and skilled staff members review WPDES applications for livestock farms. WPA will be following the development of this proposal closely as it moves ahead.