

Polk & Burnett County Large Livestock Update

April 28, 2022

Three Towns Pass CAFO Ordinances

March 11, 2022

The towns of [Trade Lake](#) and [Eureka](#) joined [Laketown](#) in March 2022 in passing their version of the Large Livestock Town Partnership ordinance.

Six towns formed the Partnership in 2021 after corporate hog factories began efforts to move into northwestern Wisconsin. Minnesota and Iowa hog factories are fleeing the "Pig Belt" in search of clean areas as it becomes difficult to keep herds healthy. Top swine veterinarians recommend moving herds as Pig Belt soils, buildings and air become inundated with deadly pathogens.

The Partnership's goal is to share the expertise and expenses needed to develop the strongest ordinance possible to protect local public health and property values.

The six towns include Bone Lake, Eureka, Laketown, Luck and Sterling in Polk County and Trade Lake in Burnett County. Three town chairs, a supervisor and two citizens serve on a committee. A team of experts, including an environmental engineer, virologist, soil science Ph.D., lawyers and data specialists provided the specialized knowledge needed to produce a model ordinance. The ordinance includes research specific to each town and the livestock industry generally. Each town has customized the model to fit their circumstances.

"We are so proud of these town leaders for stepping up to protect their communities," said Lisa Doerr, who chaired the committee. "We look forward to working with the other three towns in the coming months."

Big Ag Wants State to Fight Local Control

April 14, 2022

Trade Lake, WI - Wisconsin's big ag wants state taxpayers to foot the bill as corporations fight any local control of massive livestock factories.

According to the Dairy Business Association (DBA), town leaders have no business protecting their people from the negative impacts to health and property values of animal factories. In an April 13, 2022 letter DBA goes so far as to demand that the state Department of Agriculture, Trade, and Consumer Protection (DATCP) use state tax dollars to help block any local control.

DBA's concern is the Town Partnership formed by six towns in 2021 after corporate hog factories began efforts to move into northwestern Wisconsin. The towns cover more than 250 square miles and include real estate valued at close to two-thirds of a billion dollars or \$655.5 million.

The six towns include Bone Lake, Eureka, Laketown, Luck and Sterling in Polk County and Trade Lake in Burnett County. Three of the six have passed ordinances. DBA now wants DATCP to use state-paid lawyers to conduct an "urgent material review" of the ordinances.

"I am not aware of the statute or rule that would allow a third party lobbying organization to ask the State to spend state tax dollars reviewing local ordinances—particularly in situations like the one involving Trade Lake, where the Town is still operating under a moratorium so that it can finalize its ordinance," said attorney Andrew Marshall, KnowCafos Director of Legal Affairs.

"The fact is that these towns have done the due diligence needed to draft legal ordinances under state law. The Trade Lake ordinance, for example, is supported by a 130-page report that includes over 200 citations to scientific articles and research studies."

Wisconsin Chamber Fights Local Control

April 20, 2022

Wisconsin's largest business lobbying group continues fighting local control over polluting livestock factories. In the latest of many attacks, the Wisconsin Manufacturers and Commerce (WMC) is demanding that the tiny Town of Laketown repeal an ordinance protecting citizens' health and property values.

"We're getting pretty use to this type of intimidation," said Lisa Doerr, a Laketown farmer. "In 2020 these lobby groups actually sent a letter to our county board saying that passing a moratorium was a felony offense."

[The Notice of Claim \(NOC\)](#) filed on April 19, 2022 uses local claimants as proxies. The Byls run an estimated 300-head dairy that has been fined for illegally dumping manure. The Spoestras are commodity growers and have some livestock.

In a surprise twist, WMC is also claiming that Laketown's livestock ordinance harms Scott and Jen Matthiesen who operate a nudist colony. [Freedom Valley Campground](#)

This latest move is clearly a bad faith claim. The NOC purposely misconstrues the legal basis for Laketown's ordinance arguing that it violates Wisconsin's Livestock Siting Statute 93.90. Animal factory developers love to brag about writing the law because it severely limits local control.

However, nothing in Laketown's ordinance refers to siting. The ordinance addresses *operations*, not siting. Accordingly, Wisconsin Statute 93.90 has no application to the enforcement of the ordinance.

Wisconsin's regulations address the millions of gallons of feces, urine and process water these factories produce but are poorly enforced. Air pollution, carcass disposal, biosecurity, fire safety and road damage are just some of the other issues addressed by Laketown's ordinance

Recent outbreaks of the highly pathogenic avian flu also point to the lack of local oversight. For example, Jefferson County residents woke up in March to 2.7 million chickens infected with highly pathogenic avian flu composting at the end of their driveway. Jennie-O announced recently that they are euthanizing nearly 50,000 turkeys in Barron County.

"These big business attorneys purposely intimidate little towns like Laketown with legal action," said Doerr. "They control about a hundred Madison law makers but not the thousands of local leaders trying to protect our health and property values."

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Facts vs Misinformation

Wisconsin's largest business lobbying groups are staging a coordinated effort to stop local control over polluting livestock factories. This includes electoral, regulatory and legal challenges. Major players include:

- [Wisconsin Manufacturers and Commerce \(WMC\)](#)
- [Polk Burnett County Farm Bureau - April 2022 Newsletter](#) - see pages 6 & 11
- [Venture Dairy Cooperative](#)
- [Dairy Business Association \(dairyforward.com\)](#)
- [Wisconsin Dairy Alliance – Fighting for CAFOs Every Day](#)

➤ **Misinformation - *Farmers can't operate after 5:00 pm and weekends***

Fact - [Trade Lake's ordinance](#), is one of three passed by the six towns. Section 10.5.a. restricts when livestock operations over 500 animal units (1,250 swine) can move manure in and out of the site. The Farm Bureau, in particular, is saying this will cover all farmers doing anything from making hay to planting and combining.

➤ **Misinformation - *Nothing but a Small Handful of Radical Extremists***

Fact - There has been widespread concern in both Burnett and Polk County over purposed swine factories. Both counties passed moratorium in 2019. Polk County passed a swine livestock ordinance in 2020. More than 160 people testified at the Polk County public hearing on that ordinance. Burnett County continues working on an ordinance and has also had packed houses for hearings. Supervisors in the six towns participating in the Town Partnership joined with either unanimous or a minimum of 2/3 support.

➤ **Misinformation - *Operations Ordinances are Illegal, Must Use Wisconsin Siting Law 93.90***

Fact - Wisconsin Statute 93.90 is a livestock siting law that strips local units of government's ability to protect public health and property values. Large livestock operators love to brag about writing the law and making sure that no improvements can be made to the law or its rules to protect local people.

David Crass is one of the Michael Best corporate lawyer/lobbyists who shepherded 93.90 through its creation in Madison. Here's a quote from the brag page Crass uses to entice new clients:

"David represented both the Dairy Business Association (DBA) of Wisconsin and the Wisconsin Farm Bureau Federation in the conceptualization, drafting, negotiation and lobbying involved with the passage of Wisconsin's landmark livestock siting legislation....Whereas permitting was previously performed at the local level, Wisconsin has now adopted a streamlined statewide permitting approach with all facilities held to the same standards." [David Crass bio](#)

Towns' ordinances **DO NOT ADDRESS SITING**. Authority is derived from the Wisconsin constitution and Statutes 60.22 and 92.15. To secure a permit, applicants are required to provide plans for specific parts of their **OPERATION** such as air pollution, road use and biosecurity.

➤ **Misinformation - *It's Illegal for Anything Less Than 1,000 animal Units to be called a Concentrated Animal Feeding Operations (CAFO)***

Fact - Large livestock developers want the definition of CAFO to be 1,000 animal units because that is how many hog factories evade regulation. There is no "official" definition of CAFO. However, most state and county laws don't kick in until 1,000 animal units (2,500 hogs). By staying under 1,000, operators can evade regulation. Take a look at Iowa and southern Minnesota. The landscape is covered by operations with less than 2,500 hogs. These are nurseries or finishing plants that fatten piglets before shipping them to processing companies like Brazilian-owned JBS or Chinese Communist-owned Smithfield Foods. The huge CAFO proposed for the Town of Trade Lake in Burnett County plans to produce 200,000 piglets a year. They will need all kinds of finishing plants.

➤ **Misinformation - *Towns Don't Need Regulation when Wisconsin Takes Care of Everything***

Fact - Wisconsin regulations are limited and poorly enforced. State regulations only address the millions of gallons of raw feces, urine and process water CAFOs produce. Air pollution, carcass disposal, biosecurity, fire safety and road damage are just some of the other issues affecting local public health and property values. Attempts to increase air and water pollution protection are summarily blocked by Madison lobbyists and politicians who don't want any local control.

Kewaunee County in eastern Wisconsin is a good example of the state's incredibly weak regulations. Despite widespread well pollution in the area, Wisconsin gave the Kinnard dairy CAFO a permit to increase their herd from 8,000 to 15, 000. On April 22, 2022 Kinnard sued over the permit because they don't want to do groundwater monitoring on even two fields out of 16,000 acres (25 sections) on which they spread.

State enforcement of these weak laws and permits depends on whistleblowers. Emerald Sky Dairy in St. Croix County is a case in point. They had five known manure violations in three years. The worst was a 2017 spill of 275,000 gallons. Even after that, [in 2019](#), an anonymous call reported manure flowing down a ditch. The situation is so bad that St. Croix County was forced to demand that Wisconsin DNR take "full and quick enforcement of manure application rules and statutes for CAFO's located in St. Croix County."

For More information:

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