

2 **RESOLUTION: Support Local Control for Livestock Siting**

3
4
5

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

6 **WHEREAS**, the number of Concentrated Livestock Feeding Operations (CAFOs) in Wisconsin is increasing;
7 and

8 **WHEREAS**, between 2005 and 2016, the number of CAFOs nearly doubled, from 146 to 295; and

9 **WHEREAS**, State law preempts local governments from regulating CAFOs more stringently than required by
10 the Livestock Facility Siting Law (ATCP 51); and

11 **WHEREAS**, opportunity for stronger local siting standards based on “reasonable and scientifically defensible
12 findings of fact” that “clearly show that the standards are needed to protect the public health or safety” remain very
13 limited; and

14 **WHEREAS**, the Department of Natural Resources (DNR) issues water pollution discharge permits to CAFOs
15 and more stringent local regulation of issues related to water quality may also prove difficult; and

16 **WHEREAS**, the unique geographic features throughout Wisconsin make it necessary to assess the
17 environmental impacts of CAFOs on a county-by-county basis; and

18 **WHEREAS**, the Department of Revenue adjusted downward a Kewaunee County landowner’s property
19 taxes because of the property’s proximity to a large CAFO, and in 2016 the Department of Revenue did the same for
20 a property in Green County; and

21 **WHEREAS**, in addition to affecting landowners, this also impacts local governments, which are seeing a
22 deterioration of their property tax base because existing state siting standards are insufficient to protect neighboring
23 properties; and

24 **WHEREAS**, pursuant to §93.90(2), Wis Stats, the Department of Agriculture, Trade, and Consumer
25 Protection (DATCP) shall appoint a Technical Committee to review ATCP 51 and make recommendations at least
26 every four years; and

27 **WHEREAS**, DATCP convened the first Technical Committees in 2010, 2014, and 2018 but has made no
28 changes to ATCP 51 despite the Committee’s work or summary reports; and

29 **WHEREAS**, §93.90, Wis Stats, fails to provide guidance for implementation of the Technical Committee’s
30 recommendations.

31
32 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
33 recognizes the authority of ATCP 51 to set statewide minimum standards and procedures for CAFOs but supports
34 lifting the preemption of local control in ATCP 51 and allowing local governments to pass more stringent standards
35 and procedures that are based on reasonable and scientifically defensible findings of fact that clearly show that the
36 standards are needed to protect ground and surface water and air quality and public health or safety without seeking
37 DATCP or DNR approval.

38
39 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that it hereby urges the
40 Legislature to amend the Statute to require that the findings of the Technical Committee must be presented in writing
41 to the Department of Agriculture, Trade, and Consumer Protection (DATCP), and that the Wisconsin DATCP Board

42 must present a scope statement to the Wisconsin Secretary of Agriculture within 90 days, and if DATCP fails to take
43 action on the scope statement within six (6) months, the scope statement must be sent to the Joint Committee for
44 Review of Administrative Rules and scheduled for a public hearing.

45
46 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that it hereby directs the
47 Winnebago County Clerk to send a copy of this Resolution to the Office of Governor Tony Evers, the Wisconsin
48 Counties Association, and all state senators and assembly members representing Winnebago County constituents.

49

50

Respectfully submitted by:

51

LEGISLATIVE COMMITTEE

52

Committee Vote: **8-4**

53

Vote Required for Passage: **Majority of Those Present**

54

55

Approved by the Winnebago County Executive this ____ day of _____, 2019.

56

57

58

59

Mark L Harris
Winnebago County Executive