

PUBLIC INPUT MEETING

GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES

Manure Management and Utilization, Site Selection and Odor Control for New & Expanding Livestock Production Facilities, and Care of Farm Animals

August 19, 2008

TRANSCRIPTION

Good afternoon everyone. For the record it is now 1:08, that's what I show on the watch, it's August 19, 2008. We are in the Lake Superior Room of the Michigan Library and Historical Center, which is 717 West Allegan Street, Lansing, Michigan.

My name is Jeff Haarer. I am the Producer Security Services Section Manager and Hearings Officer for the Michigan Department of Agriculture and this meeting is being held to receive public comment on the Generally Accepted Agricultural and Management Practices (also known as GAAMPs). There are proposed changes in the GAAMPs for Manure Management and Utilization, Site Selection and Odor Control for New and Expanding Livestock Production Facilities, and Care of Farm Animals; while GAAMPs regarding Nutrient Utilization, Irrigation Water Use, and Pesticide Utilization and Pest Control, and Cranberry Productions have no proposed changes for 2009. I'd like to thank you for taking the time to be here today to participate in this very important public policy issue. On behalf of the Michigan Commission of Agriculture, Director Don Koivisto, and the staff of the Michigan Department of Agriculture, I thank you for your comments and input to improve these GAAMPs.

Also present today from the Michigan Department of Agriculture is Steve Mahoney and Amanda Kizziar, did I say Kizziar right...I did...good, Michael Hansen, Marsha Wiegman, and one of our Commissioners, from the, is Don Coe.

Information about this meeting was released to the News Media on July 22, 2008. Over 300 daily, weekly, food, farm, and environmental media organizations were notified. In addition, this information, along with copies of proposed changes to several of these GAAMPs, were posted on the Michigan Department of Agriculture Web Site.

Copies of all seven sets of the GAAMPs, including GAAMPs with proposed edits under consideration are available here in this room, directly on the table. Do I have all seven or is it just the ones with edits? Just the ones, okay I'm sorry. Okay, so just the copies of the ones in consideration today are on the table here. All GAAMPs are developed by multi-agency Task Force Committees which are chaired by Michigan State University faculty. GAAMPs are then presented to the Michigan Commission of Agriculture for consideration and adoption under the Authority of the Michigan Right to Farm Act, Public Act 93 of 1981, as amended. Since their initial adoption, these GAAMPs have

under gone annual review by the respective task force committees, which include scientists and others with expertise, education, and knowledge in the field. The Chair of each Task Force gathers comments from members and then makes recommendations for revisions of the GAAMPs to the Michigan Commission of Agriculture. The Commission approves, amends, or rejects those recommendations.

The Commission of Agriculture determined that it would like to hear input from the general public, as well as from the scientific community, in their review and adoption of proposed changes to these GAAMPs. Therefore, we are meeting today to hear your views about these proposed GAAMPs, especially the current wording and recommended changes by the Task Forces. The purpose of this meeting is to receive public comment on the wording of the GAAMPs themselves, and not to debate the merits or history of the program. If you would like to provide input on any of these GAAMPs, we welcome your comments. Agriculture Commission deliberation on these GAAMPs is currently scheduled for December 9th, 2008. The location of the Commission meeting is yet to be determined.

In addition to oral comments today anyone may submit written comments to me by 5 p.m. today, August 19, 2008. You may write to me, Jeff Haarer, Michigan Department of Ag, P.O. Box 30017, Lansing, Mich, 48909, or contact me by email at haarerj...which is let me spell Hararer...H-A-A-R-E-R-J, at Michigan dot G-O-V or you can fax me at (517) 241-4217. I will provide copies of all written comments and a summary of all oral comments in a report that will be sent to the Task Force Chairpersons, the Director, and each member of the Commission of Agriculture.

If you wish to speak today, on any of the GAAMPs, please fill out one of the slips found at the table, and I think I have one from everyone that's here so far. I will call your name to ask that you come forward to have a seat here, and I think I'm going to have you sit...we can probably hear you from where your at down there, so you'll be able to speak if you'd like to speak down there. When you begin your comments please state your name, spell your last name, and identify whom you represent, if you represent an organization, and specify the set of GAAMPs your comments pertain to. Even if you do not wish to speak I encourage you fill out one of the slips so that we can record your attendance at the meeting today. At this time, do all individuals interested in having a comment have a card? Okay.

I will start with the list here...the first one I have on the list today is Lynn Henning, would you still like to speak? Yes, okay. Can you hear her okay. Okay.

My name is Lynn Henning, H-E-N-N-I-N-G, I'm with the Michigan Sierra Club, and I'm a family farmer from Lenawee County.

Voluntary practices do not work. GAAMPS have broken the Rural Code of Michigan. You do not harm your neighbor and he does not harm you." Somewhere in politics the reality of farming has gotten lost. The Michigan Department of Ag is an agency that

chooses who wins and who loses. Reduced quality of life, adverse health effects, property value loss, harassment, and intimidation are not addressed in these GAAMPS.

GAAMPS are an easement of pollution on neighbors and communities and area farmers. There is no clear line for what must be done, only what should be done. The seat belt law in Michigan is stronger than the laws governing how your food is produced. The result of voluntary practices through GAAMPS is irresponsible management, insufficient oversight, and inadequate regulation livestock operations are among the worst polluters in the U.S.

Air Pollution - Livestock operations or CAFO's can release a host of harmful air pollutants, including Hydrogen sulfide, Ammonia, odor, greenhouse gases, particulate matter, none of which are not addressed in GAAMPS. Studies have identified 331 fixed gases and volatile organic compounds (VOCs) in samples of air emitted in North Carolina. The USEPA report in 2001 showed 168 chemicals in and around manure. The Manure Management GAAMPS states there is no scientific evidence that odorous gases that escape from livestock operations are toxic at concentrations experienced by neighbors. This is on page 14. This is not a true statement, and ample scientific documentation exists on the impact of the animal factory. I have listed numerous studies, a total of at least 178 will be submitted, as well as, a variety of health concerns that's related to air pollution from CAFO's I will provide an electronic copy also to you for these documents.

Water Pollution - Water pollution is one of the most devastating impacts from animal factories. Just in Lenawee County we have 327 documented discharges by animal factories. Animal factory pollutants may reach surface or groundwater through discharges, spills, irrigation to land applications, runoff, intentional releases, especially illicit field tile connections, and leaking lagoons. Other problems not addressed in GAAMPS are the manure lagoons, atmospheric deposition, nutrient contamination, eutrophication, dead zone, algal blooms, contamination of drinking water, pathogens, antibiotics, hormones, salts, trace elements, organic matter, and solids. Other damages are not addressed are water overuse, increased transportation, and animal feed contamination.

The Manure Management GAAMPS state that recommendations for appropriate technology practices are not an exact science, the recommendations in this section represent the best professional judgment, this is page 14 of the Manure Management GAAMPS. The admission by MDA, that GAAMPS are not based on objective scientific evidence, suggests that these voluntary standards are arbitrary and capricious. In addition, the very soft language contained in the GAAMPS should instead of must, for example means that even if the practice is based on science there is no guaranties that there will be equal application as the agencies interpretations of who conforms and who does not meet the GAAMPS. MDA's approval of practices that are not best available controlled technology is based on scientific standards means that the use of these practices becomes a shield protecting polluting operations against nuisance claims.

The lack of demonstratable best available technologies also means there is no byte-line demarcation of when a referral must be made to the DEQ for enforcement. As a result an operation that is violating state standards for air quality could be delayed indefinitely from proper enforcement activities because best professional judgment is in fact an arbitrary standard.

Site Selection - does not specifically include satellite locations, and consideration of total number of animals. The GAAMPs also do not determine if animal units are all the same or mixed with more than one type of animal.

Manure Management and Utilization - the management practices listed are only a guidance on how to minimize odors not to prevent them. By not eliminating odors the livestock operations may violate other state and federal laws. These recommendations do not prevent adverse health effects, property devaluation, or community impact. Liquid manure must be banned on tiled fields. Rainfall after spreading can cause delayed discharges. Gate valves which are man made devices under the Clean Water Act can cause delayed discharges. GAAMPs do not address pathogens, viruses, health or emissions of toxic gases. GAAMPs must address all phosphorus loadings not just nitrogen. There is no proof of compliance or performance standards required of the CAFO operator. Methane digesters cannot break down antibiotics in livestock waste; they cannot kill preons if Mad Cows disease was to exist.

The Care of Farm Animals - water for animals should not be wastewater from the facility, calving hutches, silage leachate runoff, contaminated storm water discharged through a feedlot. All of these practices have been observed on existing CAFOs. Pictures will be available upon request, and all the listed scientific documentation will be listed in this (inaudible). Thank you very much.

Jeff: Next on my list I have is Michael Hansen. Michael, do you still wish to speak.

Yes, it's very quickly/briefly if I could. Thank you Jeff, for allowing me the time. I'm just speaking quickly on the part of the Department of Agriculture, I'm with the Pesticide and Plant Pest Management, where one of my duties is I serve as the State Apiarist. We're been working closely with the Environmental Stewardship Division for the last couple years to address complaints dealing with beekeeping in the State of Michigan complaints with large operations dropping a lot of hives in one location have even have gone to court for the sake of a situation where a beekeeper was...where zoning was attempting to move him out of the area. In this effort we understand, have come to realize that while the Michigan Right to Farm Act in the description of a farm product includes bees and bee products there is/was no chapter on this section.

We work closely with the Michigan Beekeepers Association, this past year we were able to find a very good document written by the Maine Beekeepers Association and the Maine Department of Agriculture. We have taken that document and made it fit our purposes for the State of Michigan we passed that document to the State Apiculturist at MSU, to the Michigan Beekeepers Association President, and we have very strong support, and so I am here to support the chapter on beekeeping practices, Mr. Dave Anthony of the Michigan Beekeepers Association had planned to attend today, Mr. Anthony had a brother-in-law have a large, very dire health situation came up he asked Jane Wracan who the Secretary of the Association to simply prepare a letter stating the Associations generally/generous support generally accepted practices, they faxed that to me yesterday, and I have that for you. That is all I have to say. Thank you.

Jeff: Thank you very much Michael. That's all I have on the list, of those that were interested in speaking, let me read through this so we have the attendance list here. Adam Shedd. You still have no interest in speaking at this time? Tim, and I don't want to mess this name up, Fischer? Okay, did you have any interest at this point, no, okay. David Bertram, you also did not have any interest to speak (no interest) okay.

The time now is 1:23 p.m., so with no other persons present wishing to make comment I will close this public input meeting. Again, thank you for your time and interest. Copies of all written comments and a summary of all oral comments will be provided to the Chairs of the GAAMPs task force committees, as well as Director Koivisto and the Commission of Agriculture. We will continue to accept written comments until 5 p.m. today; you can email, mail, or fax those comments to me at the Department of Agriculture. This concludes our meeting and we will adjourn

Thank you very much you guys.

We will open this back up. This is the time, for the record, now is 1:27 pm on August 19th, 2008, my name is Jeff Haarer. We had a gentleman by the name of Max McKee (correct) that showed up here that we would like to get/add his public comment to our record. As I mentioned before we will have copies of all these sets included with proposed edits here to review today, we will take a copy of the comments as written here and pass it on to the Taskforce Chair, the Michigan Commission of Agriculture, and Director Don Koivisto. So I will do that. If in addition to the oral comments today, you may submit written comments to me by 5:00 pm today. You may write...I'm Jeff Haarer, Michigan Department of Ag, P.O. Box 30017, Lansing, Michigan. I will provide all comments and written to report to Taskforce Chairs, the Director, and each member of the Commission. I will ask you now, when you begin your comment, please state your name, spell your last name, and identify whom you represent, if you represent an organization, and specify the set of GAAMPs your comments pertain to. And you may go ahead Max.

Thank you Mr. Haarer and thank you commissioners for extending the hearing here, I appreciate that. At any rate, Max McKee, M-A-X M-C-K-E-E. I represent Tyler Creek Golf and Campground; it's in Alto County, Michigan, its south east of Grand Rapids. We're in a rural area, we're a golf course and a campground, and we have a CAFO immediately adjacent to us, to the west. And, my comments here are more specific to CAFOs and obviously more specific to our operation.

We have at any given time on holiday weekends; we have maybe 2000 people on our premises. On a regular weekend during the summer we might have, oh 900/800 at any given time. And we have also a campers, seasonal campers, roughly 100 sites that are there all summer long. As I said I am focusing on CAFO here and my experience. We are next to Swiss Lane Farms, Swiss Lane Farms has, I don't know, 2-3000 dairy cattle and they have a corn field next to us; it might be soy at some time. At any rate, they have, what are called, and you probably well know these things, travel irrigators. And my comments also are in relation to travel irrigators which most of these CAFOs, as you know, have. The travel irrigator, this was a farm with less than 1000 a few years ago, they put in the travel irrigators about two years ago. And I can tell you that has just wreaked havoc on our facility. They spray manure into the air, literally we have had golfers on the tee box and the manure has hit the tee box that they are on. Literally the manure has been sprayed and/on the campers, I can't , I can't begin to tell you, describe, the comments I'm getting/that I get from the campers, some of whom have left. Admittedly, the farmers have been a little careful this year, not spraying as much on the field next to us.

I know you want me to talk about GAAMPs and I'll get around to that. But I can tell you that this just seems so foreign and so wrong to have these farmers spray, even if they don't hit our campers or our golf course, when they spray those things it just...I could go on and on about the comments, and we have weddings there occasionally and thank god it hasn't happed during the wedding, but is has happened on holiday weekends, that's when they like to spray. And the comments come left and right. I can't go back to the campground sometimes because of, the people are so upset. Luckily I can point and say "Hey, it's them." Calms them down a little bit, there is not much I can do, they know. That gets to my point, there's not much I can do.

I'm, I'm an attorney, I don't practice, so I know the law a little bit and I can tell you that these GAAMPs are totally confusing, they're totally inadequate, it seems like a charade. If we really want to address our problem, to go through this burdensome process that has been laid out by whomever, just, it seems fruitless, and there must be some other way to address issues such as ours. Giving us, the land owners, more power to address, you know, the situation. To have to go through these hoops, what the GAAMPs represent is...I gotta tell you it does seem as if special interest really have their claws in this whole process and you can see the strength that they have. And I think that the general public would be somewhat outraged if they knew the hoops you have to go through in order to even get attention and then once you get attention, still its selective enforcement. And so, I can't speak to the GAAMPs in particular, and any particular provision, I can just say that I hope that someone comes up with some way to

address this situation to make it more privy to those that are, that are affected and affected greatly by this. I can't put in a new swimming pool, why do I wanna put in a swimming pool when I have this threat of manure coming over and just wiping out the campgrounds, which happens. I don't want to put in new bathrooms, I don't know how long that campground can survive and we gotta grow to survive, and it's just...do you put money into it, it's tough.

But, in the cavalier attitude of the farmers next to us, I think, in my opinion the cavalier attitude, I think stems from the fact that they know that they have, basically, the law on their side. And, as I said they must have the Farm Bureau, whoever you know it just seems as they really have had a great influence on this and I encourage you and whomever to really look at this and really do what's right.

I want to give you my history to and I'm going on longer than what I probably intended to or you want to hear me, but at any rate, my experience with this type of thing can be traced back two years ago, when Tyler Creek, and it was a highly publicized manure spill, and it wiped out over 2000 trout in a designated trout stream at Tyler Creek and it was on the front page of the front page of the Grand Rapids Press, it was or maybe on the second page but it was on the news channels that night. And the DEQ came and investigated and the young lady who came and investigated this. These fishermen saw these fish, just wiped out, and she came and had waders, I think, up to here in the creek. You know, she came out; it went downhill from there, the investigation. Later on the DEQ, I'm told, publicly admitted that the investigation was a...fell short of thorough, and fell short of being effectively executed.

Jeff: Max, I'm just, sorry to interrupt, but we do need limit this just mainly to the wording on the GAAMPs, we got a little further away from that than we needed to.

But this, this does get to the GAAMPs; it shows the inadequate response that the GAAMPs leave a property owner, the inadequate, it just doesn't address the situation...okay, long story short, we couldn't do anything. The DEQ botched the investigation, and it was all in their hands, and the fish kill; they did find that the fish kill started at the farm, alright, but they didn't implicate the farm, but that's where it started. Anyway, thank you, and I'm sorry I was a little off subject, but I really think that I did address the GAAMPs. It's crazy, there has got to be an easier way than these GAAMPs. Thank you very much for your time.

Jeff: The time now is 1:37 pm, with no other persons wishing to make comment; I will close this public input meeting. And thank you again for your time and interest.

In Attendance

NAME	PHONE	ADDRESS	CITY	MI	ZIP	REPRESENTING	ADDRESS	SPEAK (Yes/No)
David Bertram				MI		Site Selection GAAMPs Committee		No
Donald Coe	231-944-1294	211 Midtown Dr	Traverse City	MI	49684	MDA Commission		No
Tim Fischer		119 Pere Maquette Dr Ste 2A	Lansing	MI	48819	MI Environmental Council		No
Michael Hansen	269-428-2575	4032 M-139 Bldg 116	St. Joseph	MI	49085	MDA-PPPM		Yes
Lynn Henning	517-605-7740	11635 Beecher	Clayton	MI	49235	Sierra Club	109 E. Grand River Lansing, MI	Yes
Amanda Kizziar	517-373-9797	PO Box 30017	Lansing	MI	48909	MDA		No
Steve Mahoney	517-241-2508	PO Box 30017	Lansing	MI	48909	MDA		No
Max McKee	313-881-4702	687 St. Clair	Grosse Pointe	MI	48230	Tyler Creek Golf and Camp	Alto, MI	Yes
Adam Shedd		1405 18½ Mile Rd	Teknosha	MI	49092	Dennings & Assoc. Inc		No
Liane Sherter-Smith				MI		MDEQ		No
Marsha Wiegman	517-373-9724	Constitution Hall	Lansing	MI	48840	MDA-ESD		No