

Animal Agriculture and the Environment

Should dairy producers help develop environmental legislation?

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Dairy producers across the country are increasingly asking what they can do to minimize the impact their farms have on the environment, and to minimize the impact environmental regulations will have on their farms. These environmental issues aren't going away, and dairy farmers recognize their own responsibility to protect air and water quality. At the same time, most producers are frustrated that they are often and inaccurately portrayed in the media as environmentally insensitive, and they fear that this portrayal will lead to radical, heavy-handed regulations that will drive them out of business. The most effective way for farmers to counter both of these concerns is to get involved in developing legislation that protects the environment while maintaining the economic viability of the industry.

Getting involved in policy development means moving away from fighting all regulations, and moving toward defining and implementing cost-effective (or cost-shared) best management practices on all farms. Getting involved means acknowledging that more stringent environmental policies and regulations are coming. Importantly though, getting involved means gaining a seat at the table where these regulations are drawn up.

On a nationwide basis, the poultry and swine industries are ahead of us in this area, in large part because they have (so far) received the bulk of the attention related to impaired air and water quality. In response, they launched national efforts to address environmental issues in cooperation with government and environmental organizations. Again, the key first step was recognition by their producers that fighting all regulations and all efforts by environmental groups is not an effective approach. They concluded that their best hope of survival lies in becoming involved in the development of these policies.

The discussions that the swine and poultry industries had with environmental organizations and regulators led to sets of recommendations to minimize the impact of their industries on water quality. The policies and concepts in these agreements are strict, and give

strong indication of how seriously the swine and poultry industries take these environmental issues. They include permitting, inspections, and penalties for repeat offenders.

Leaders in these industries feel the future of animal agriculture in the US is threatened more by a patchwork of local regulations based on misinformation and fear than by these science-based standards, however strict. They're saying that they want a place at the negotiating table, and that they're willing to take part in some difficult decisions and commit to tough standards. Participation in these dialogues gave them the opportunity to present their views, to better understand the valid environmental issues at stake, to volunteer what they are willing to commit to, and to keep the focus on the development of cost-effective, science-based approaches.

Regionally and locally, dairy producers are following suit. The experiences and efforts of a group of dairy producers in Washington state are worth examining. The Washington State Dairy Federation is a voluntary dairy producer association representing 70% of Washington's dairy farmers. Nutrient contamination of ground and surface water has received tremendous attention in that state in recent years, and the newspapers were full of articles about dairy farmers "poisoning" the environment. The state had a complaint-driven inspection system until recently, and this system was widely criticized by environmentalists as not doing enough to protect water quality. Slowly, producers realized that they could no longer ignore this criticism, and the Federation became active in efforts to replace this legislation.

Over a period of 18 months, these producers met with other stakeholders in water quality issues, hammering out legislation that would protect water quality without shutting down the entire industry. The final product was signed into law. Its provisions are almost certainly more stringent than Washington producers originally considered acceptable, but by participating in its development, these producers have taken a critical step toward defining the future of their industry.

The basic premise of the law is that farmers shall not pollute. Every farm in the state must develop and implement a nutrient management plan, regardless of farm size. Farms can be penalized for failing to register with the state, and for failing to meet deadlines for certification of their nutrient management plan. Every farm in the state is subject to periodic, unannounced inspections by the state Department of Ecology, and can be fined for water quality violations, at

a rate of up to \$10,000 a day. The law also requires the state to develop a database tracking compliance and enforcement on individual farms.

You might reasonably read this and ask “If these rules apply to all farms, and they’re subject to surprise inspections and fines, what did these producers gain by participating?”. The answer is that they gained several things. The industry gained significant representation on the advisory committee which will oversee the program and set procedures for farm inspections. With involvement, farmers gained the establishment of technical assistance teams across the state to develop and promote cost-effective approaches for managing dairy nutrients. They also gained access to some financial assistance. Penalties collected for violations won’t just disappear into a general fund, but instead will go into an account to be used solely to help dairy farmers develop and implement best management practices.

Most importantly, these producers learned what was needed to prevent pollution, and what was at stake if they didn’t. They learned that right now farms of any size (and in any state) can be subject to citizen lawsuits for violations of the federal Clean Water Act, and that there is no “loser-pay” provision for these lawsuits. These producers prepared themselves to stay in business in an era where protecting water quality is a national priority.

Producers involved with the development of this plan tell of their difficulty in recognizing and acknowledging the impact of their farms on water quality. The involvement of the Federation was controversial, and it was very difficult to get the bulk of the industry to the table to begin discussing how to address these problems. Discussions and negotiations with politicians and environmentalists were often frustrating.

There are certainly producers in Washington who felt (and still feel) that these environmental issues aren’t valid, that dairy farms don’t contribute to water quality problems, and that their state association ‘sold them out’ by participating in the development of this legislation. What the leadership of the association and, with time, their membership came to realize is that there were valid criticisms being made of their industry, and that it was no longer acceptable for farmers to look the other way when pollution was occurring. They had to step up and help decide what was to be done to prevent it.

By participating in this process, the Washington State Dairy Federation laid the groundwork for the future of their industry. They recognized that changes would have to be made and played a role in defining the terms under which they would operate. Participation in

the development of environmental policy on the national, state, and local level gives all dairy farmers the opportunity to present their views, to better understand the valid environmental issues at stake, and to keep the focus of policy on the development of cost-effective, science-based approaches.