



**Testimony of Amber Meyer Smith
Vice President of Programs and Government Relations
AB 69
Assembly Agriculture Committee
May 28, 2019**

Clean Wisconsin is a non-profit environmental advocacy group focused on clean water, clean air and clean energy issues. We were founded almost fifty years ago and have 20,000 members and supporters around the state.

We certainly appreciate the intent of the authors to re-examine some of the inherent issues with our CAFO fee structure. This bill calls attention to the fact that CAFO fees are woefully inadequate to support the necessary oversight that we count on our government to provide.

Many people have been focused on agricultural pollution in the past few years, with science providing us increasing evidence of the direct link between agricultural runoff and drinking water contamination. A 2016 Legislative Audit Bureau audit of DNR's WPDES program revealed several inadequacies with respect to CAFO staffing and enforcement. It is clear that much more needs to be done to make sure that people's health and our waters are protected from the huge pollution potential that comes along with a large agricultural operation. People are demanding bold action, and unfortunately this bill falls short of delivering enough resources to address the problems.

We support the concept that all fees should be deposited with the agency for staffing as this bill provides, but it is hard not to see the stark contrast with Governor Evers' budget proposal to add 5 staff at DNR to deal with CAFO permits by raising fees which is being taken up by the Joint Finance Committee today. AB 69 would generate \$76,250 and the Governor's proposal will generate \$310,000 annually. Raising the fee is a necessary component of any effort to make an impact on how our state looks at CAFO permitting and enforcement. One of the strongest commitments made to remedy the issues with DNR's permit system brought up in the 2016 LAB audit was a higher permit-to-staff ratio. The DNR offered that a 20:1 ratio would allow them to conduct inspections in a timely way, but they need the revenue offered in the budget bill to achieve that goal. Unfortunately, this bill will only offer a fraction of the revenue needed for meaningful change in our CAFO permit monitoring.

It should also be noted that Wisconsin currently has the lowest CAFO fees in the Midwest. It is well past time that we rectify this and better align CAFO permit fees in Wisconsin with our neighboring states in order to provide needed resources for permitting and enforcement to make sure that CAFOs aren't contributing to the pollution problems we face.

In other DNR programs, industry willingly pays fees commensurate with the staffing needs of the agency. For instance, industries that rely on air permits have championed fee increases in the past in order to ensure the programs they regularly interact with are fully staffed. They realize that adequate staffing means they get faster and better-quality permits that ultimately help ensure they are operating in ways that

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make environmental harm unlikely. As the Legislative Fiscal Bureau points out in Budget Paper #529, “Regulatory fees are often assessed on regulated entities to cover the state’s costs associated with their oversight and regulation. For example, the Department of Safety and Professional Services, Department of Financial Institutions, and the Public Service Commission are all largely funded by program revenue assessments on the entities that they are charged with regulating.” We think it’s time legislators and the CAFO community embrace the same method of funding.

We hope that the supporters of this bill will join us in supporting the CAFO fees proposed in the Governor’s budget and the 5 staff that will add great value as the DNR continues its work to address agricultural pollution.

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