

KANSAS HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

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Testimony on Senate Bill 168

Paul Johnson – Kansas Rural Center

Thank you for this opportunity to testify on Senate Bill 168. The Kansas Rural Center does support the existing 1992 'right to farm' law. The Kansas Rural Center supports finding that right and fair balance between the reasonable, appropriate expansion of agricultural activities and the 'property rights' of neighbors and residents in the county. The Kansas Rural Center is concerned over the adequacy and enforcement of environmental regulations. The Kansas Rural Center is concerned over the 'unintended consequences' that SB 168 may promote. The Kansas Rural Center can only hope that the Kansas Legislature will take adequate time to substantively debate this bill and the quest in **Senate Bill 191 to repeal corporate farming restrictions in our state**. These changes will have a fundamental, generational impact on Kansas' agriculture and the quality of life for all Kansas' citizens.

After several years of budget cutting in Kansas, do we have adequate staffing and resources to properly protect our environment? Since 2010, the Division of Environment in the Kansas Department of Health & Environment has been down sized from 550 employees to 450 employees. The Concentrated Animal Feeding Operations unit within KDH&E has eight employees for the whole state to monitor 1,500 state certified CAFO's and 450 federally certified CAFO's. Under the Governor's Reduced Resources budget request, KDH&E offered to downsize this unit by 2 employees thus saving \$126,118. The Governor did not take the positions but did take the \$126,818 in savings. Does this mean less traveling or environmental testing by this unit? In 2008, the State Water Plan fund was \$27. 2 million while by 2014 the State Water Plan fund is \$12.5 million. For the Division of Environment this means less funding for contamination remediation, source pollution monitoring and watershed restoration/protection strategy. The Governor has now eliminated the Local Environmental Protection Program that provided the only public funds to partner with counties to test private water wells and septic systems. SB 168 assumes that 'agricultural activity is undertaken in conformity with federal, state, and local laws and rules and regulations (p. 2 – lines 20- 21) if monitored? Agricultural activities can be expanded or changed 'so long as such agricultural activity complies with all applicable local, state, and federal environmental codes, resolutions, laws and rules and regulations (p.2 – lines 28-31). Given the probability that further budget cuts will be made this legislative session, what further

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reductions will be made to these state environmental programs while SB 168 encourages further expansion?

Kansas has a nationwide meat industry expert/researcher in Donald Stull who teaches anthropology at Kansas University. For 25 years Don has studied the consequences of industrial meat and poultry production and processing for host communities, workers, producers, the environment and animals. The second edition of Don's book **Slaughterhouse Blues: The Meat and Poultry Industry in North America** can be found in the State Library. The Kansas Department of Agriculture is intent on promoting the expansion of the poultry industry in Kansas. From Don's work in Kentucky, Kansas would be well advised to study the 'state funded' expansion of poultry in Kentucky. In 1990, Kentucky had only 1.5 million broilers while today they have 300 million broilers in 2,800 and 350 breeder houses generating 420,000 to 588,000 tons of chicken litter yearly. Poultry processing is located in the western half of Kentucky and the poultry houses are located within a 60-70 mile radius of these processing facilities. An Iowa State study documented that one Kentucky chicken house emits over 5 tons of ammonia yearly – levels high enough to cause respiratory harm. Since 1990, the corporations - such as Tyson - have mandated that individual 'chicken growers' are responsible for meeting all environmental laws and regulations. (For the record, there is no independent market left in the poultry industry. There are approximately 18,000 growers with 71% of these growers making below poverty-level wages.) Is this the model of agriculture that Kansas wants to attract? Does Kansas have any regulations on site distances for poultry operations (as we do on swine)? Is Kansas ready to do some regional county planning to regulate the proper disposal of thousands of tons of chicken litter? Can counties find the funds for appropriate environmental protection?

There are many very basic questions to be asked on the potential full impact of SB 168. There has been no testimony on an increase in 'nuisance' lawsuits, so why are we rushing this bill through? Does this statute define 'substantial adverse effect on the public health and safety (p. 2 lines 18-19)? What defines 'reasonable' in the expansion of acreage or number of animal units? While agriculture is vital to Kansas, do farmers have a greater fundamental right to expand their operations over the 'property rights' of their neighbors? Since farmers are not now prohibited from expansion if they meet all appropriate rules and regulations, what is the overriding public interest to pass this bill? Senate Bill 168 along with Senate Bill 191 is fundamental public policy change that will shape the future of Kansas' agriculture and impact the quality of life in Kansas.

The Kansas Rural Center supports the appointment of a select interim committee to fully research the potential impact of this legislation and the repeal of corporate farming restrictions on the entire state.