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To: House Committee on Agriculture
Rep. Kyle Hoffman, Chair

From: Aaron M. Popelka, V.P. of Legal and Governmental Affairs, Kansas Livestock Association

Re: **SB 405 AN ACT concerning the department of health and environment; relating to animal conversion units; poultry facilities.**

Date: March 6, 2018

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing nearly 5,200 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf, and stocker cattle production; cattle feeding; dairy production; swine production; grazing land management; and diversified farming operations.

Thank you, Chairman Hoffman and members of the Committee, my name is Aaron Popelka and I am with the Kansas Livestock Association (KLA). KLA supports SB 405 and opposes any amendments to the bill.

KLA policy states that its members' believe, "livestock operations require consistent, science-based, uniform environmental laws and regulations to maintain a favorable business environment." It further states that KLA, "supports legislative . . . actions that allow maximum flexibility for agricultural and livestock operations to meet regulatory obligations."

K.S.A. 65-171d contains the water pollution control and setback requirements from habitable structures for all types of livestock raised in Kansas, including beef cattle, dairy cattle, swine, sheep, and poultry. KLA believes that any changes to this statute, which directly affects our members, should be based on current technology and the best available science, not politics.

SB 405 falls squarely within the context of science-based, uniform environmental laws. SB 405 adds in statute the animal unit standard for dry litter poultry barns that do not currently exist in statute. K.S.A. 65-171d contains an animal unit standard for continuous overflow watering and liquid manure system poultry barns, which are no longer the norm for poultry production. Dry litter poultry barns are the current industry standard for modern poultry production and are more environmentally sound production systems compared to those currently in statute. Therefore, a standard must be added to the statute to account for this modern system.

Research from Kansas State University (K-State) demonstrates that 0.003 animal unit per broiler is appropriate because the average daily weight over the broiler's lifecycle is less than 3 pounds.

In addition, research demonstrates odors from a dry litter poultry barn dissipate within 350 feet, and a minimum setback of 1,320 feet is sufficient for sites over 300 animal units. Furthermore, K-State also calculated that the manure, nitrogen, and phosphorus generated at 0.003 animal units for broilers in a dry litter poultry system are within the range of other species' animal unit standards listed in statute.

Finally, KLA would oppose any amendment that subjects environmental or operational standards for animal feeding operations to political, non-science based restrictions. Such amendments would jeopardize all current and future livestock operations in Kansas.

For instance, KLA would oppose the following amendments if introduced in Committee:

- Any attempt to modify the animal unit standards currently in the bill because it would represent a departure from the best available science;
- Any change in current setback requirements from habitable structures because this would jeopardize the operating status of current KLA member operations;
- Any proposal to institute new setback requirements from property lines or roads because these are appropriately set in design standards by KDHE and are not suited for implementation via statute; and
- Any attempt to subject the construction or operation of an animal facility to a vote of the populous or local governing board before being allowed to start operations. KLA believes if an operation meets state environmental standards, farmers should not be subject to political, non-scientific restrictions.

Thank you for considering the concerns of our many members across the state. KLA's position on SB 405 is embodied in our association policies and was affirmed by our members and board of directors during our annual legislative meeting on February 13, 2018. We look forward to working with the Kansas legislature to make sound, science-based decisions to help grow our agricultural economy in this state.

KLA supports SB 405 and asks the Committee to approve it favorable for passage without amendment when it considers the bill.