

## TAD BUSINESS

**Producer contact information:** Debbie will be sending out a questionnaire for each member to complete in the next few weeks; please return to her as soon as possible, as she is trying to get the member database up to date. *If you have questions, please feel free to call Debbie at the office and she will get your question answered or direct it to the right person.* New contact information for the TAD office is:

### Texas Association of Dairymen

471 N Harbin Drive, Suite 203  
Stephenville, TX 76401

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### TAD STAFF

Debbie McInroe, *Administrative Manager*



**New CAFO Rules:** TAD coordinated a meeting with TNRCC and Texas Cooperative Extension regarding upcoming rule changes for dairies in the Bosque watershed. These changes will be on the agenda for the TNRCC February meeting. Most of these apply to producers applying for new or expansion permits. Parts of these changes include soil sampling: all dairy operators must contract for third-party soil sampling after September 15<sup>th</sup>; fields with P levels >200 ppm will have additional waste application suspended until an approved nutrient utilization plan for P uptake is in place; and fields with P levels >500 ppm will need approved nutrient utilization plans to show a P reduction within 12 months. Further definition of these changes will be available in March.

**Compliance History Program:** TNRCC adopted new rules regarding compliance history, based on House Bill 2912 (Legislature, 2001). The Compliance History Rule requires the commission to “establish a set of standards for the classification of a person’s compliance history” and “by rule, provide for the use of compliance history classification in certain commission decisions.” The ruling is required to be implemented by 09/01/02. Beginning in September 2002, Agreed Orders, NOVs and inspections will be assigned a specific point number, based on whether the violation is categorized as ‘Major’, ‘Moderate’, or ‘Minor’. Other factors will also be considered (repeat violator, complexity factor, and number of sites) in the formula. On a site-by-site basis, points will be assigned to compliance history components. The compliance history period evaluates the past five years performance. These points will be plugged into the formula and the producer is then ranked into a classification as either a ‘Good’, ‘Average’, or ‘Poor’ performer.

**What does this mean to dairy producers?** Compliance history classifications will be used in TNRCC decisions regarding permit issue, renewal, amendment, modification, denial, suspension, or revocation. Additionally, producers classified as ‘Poor Performers’ may be subject to additional oversight by TNRCC, with penalty assessments weighted much heavier for repeat violations. *This program should stress the importance of environmental stewardship to all dairy producers; any*

## ENVIRONMENTAL UPDATE

**DOPA Credits:** According to Subchapter B regulations, dairy producers in Bosque, Comanche, Erath, Hamilton, Hopkins, Johnson, Rains and Wood counties are required to obtain 8 hours of continuing education units (CEUs) **within** the first year of obtaining their permit. This continues with producers needing 8 **additional** credits every 2 years, until permit renewal. TNRCC has been reviewing CEUs in annual inspections and some producers got caught being short. Texas Cooperative Extension (TCE) is responsible for offering or approving credits; if you need credits contact your local County Extension Agent or the TAD office for upcoming events. DOPA credits are advertised in Extension newsletters, in the paper, and usually on a radio program. However, producers are responsible for maintaining their own compliance.

NOV or Agreed Order will now carry long-term consequences.

**Is there an up side to the Compliance History Rule?**

YES! The point system also takes into account positive components (participation in programs to improve compliance). This list may include DOPA credits, the compost program, a voluntary certification program for environmental stewardship, etc., for classifying producers as "Good Performers". TAD and Texas Cooperative Extension are working with TNRCC on refining the list of positives and incentives for the upper category.

**Lagoon Management:** All producers need to be diligent on lagoon management at this time of year to avoid problems with upcoming spring rains. The industry cannot afford to repeat the visibility it had with this last spring. **Are your lagoons ready?**

## INDUSTRY UPDATE

**Cooling Ponds:** On February 22<sup>nd</sup> at 1:00 pm there will a discussion regarding the development of guidelines for the use of cooling ponds at the Texas A & M University Research & Extension Center, 17360 Coit Rd., Dallas, TX 75252. Producers and others interested in discussing what guidelines are needed for the design and maintenance of cooling ponds to comply with the requirements of the Pasteurized Milk Ordinance are invited to attend. The session will start with a presentation of the SCC results in herds using cooling ponds compared to herds that do not use this technology. For further information, contact Dr. Ellen Jordan, Texas

Cooperative Extension (972-952-9210) or Gene Wright, Texas Department of Health (512-719-0260).

**Terrorism toward the dairy industry:** Extremists exist and they have now directed efforts toward the dairy industry. Two animal activists have received prison terms for their foiled plot to blow up dairy trucks in California. A U.S. Circuit Court Judge sentenced Peter Schnell, 21, of Ocean, N.J. to a two –year term and his cohort, Matthew Whyte of Orange County, to 14 months in prison. Authorities said the pair had homemade firebombs in their possession, but they were captured before anything exploded. Federal prosecutors had asked for longer sentences, arguing that the defendants were connected to the Animal Liberation Front, which is an organization the FBI has identified as a domestic terrorist group.

**Farm Bill Update:** The Senate has voted to drop the payment limit cap to \$275,000 for husband and wife. That will anger Southerners. The Senate and House are in huge conflict over limits. This puts increasing pressure on House-Senate Conference Committee members to resolve differences on a growing list of matters. They expect to vote on Monday, February 11<sup>th</sup> and have the bill out of the Senate by Tuesday, February 12, 2002



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**NEWSLETTER**

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