



TAD News

February 2005

John Cowan, Exec. Director

Board of Directors -2005

Gordon McCool – Pres.	David DeJong – 1 st Vice Pres.
Scott Opitz – 2 nd Vice Pres.	Greg Mitchell – Secretary
Steve Vanden Berge – Treas.	Frans Beukeboom
Bryant Fisher	Neil Hoff
Harry DeWit	Bryan Kammerdiener
Jerry Spencer	Pete Schouten
Lloyd Wolf	Brad Johnson

Managers Update

You will notice a different look with the February Newsletter. In an effort to be more informative and interesting for you, I am making some changes I hope you will like.

On Tuesday, February 22, the board of directors of TAD held officer elections for 2005. The following dairymen were elected and will serve in that capacity until elections again next year at this time. Gordon McCool from Gilmer is President, David DeJong of Hico is 1st Vice President, Scott Opitz of Canton is 2nd Vice President, Greg Mitchell of Pecos is Secretary and Steve Vanden Berge of Stephenville is Treasurer. I want to express my sincere thanks to Pete Schouten for his leadership and dedication to serve TAD tirelessly. You can go to TAD's Web Site, www.milk4texas.org and access contact information for your board of directors. I encourage you to contact them or myself with information about you or your area on matters that would benefit all Texas Dairy Producers and we'll put it in this newsletter.

Federal EPA Update

The Federal EPA CAFO Rules adopted in 2003 have been challenged and as a result, the Second Court of Appeals in New York has issued a 65-page document explaining its decision. At this time, we will be monitoring EPA to see if we can tell where this is all headed. This ruling broke the news wire on Monday, February 28th. I am including excerpts from one Washington publication here for your reference. "A federal appellate ruling is likely to force a major rewrite of EPA's rule governing discharges from "factory farms", with the court backing environmentalist' arguments that the rule was not sufficiently protective, but also agreeing with

Industry that the feedlots are not necessarily required to have permits as EPA had mandated.

Both the livestock industry and environmentalists challenged EPA's 2003 rule governing CAFOs, with industry arguing that CAFOs cannot be regulated because they are nonpoint sources of pollution and therefore not subject to Clean Water Act (CWA) requirements and environmentalists claiming EPA's regulations did not do enough to protect the environment. In a win for industry, the U.S. Court of Appeals for the 2nd Circuit ruled on February 28th in *Waterkeeper Alliance Inc., et al v. EPA* that the agency exceeded its authority under the CWA by requiring CAFOs to either apply for a clean water permit or prove that they have "no potential" to discharge into water bodies. The court found that unless a CAFO is actually adding pollutants to a water body it does not need to seek a CWA permit. However, this could still mean that facilities must seek permit coverage if regulators or third parties show they discharge pollutants. For example, CAFOs that have discharged from the facility itself, rather than from surrounding fields where the waste may have been applied during heavy rainstorms could be forced to seek permits in the future. This is significant because the court also upheld language in the rule exempting discharges where there is runoff from land where CAFO waste has been applied, such as a field where manure has been applied as fertilizer. In addition, the court ruled that EPA must take steps to ensure that the rule addresses pathogens in animal waste. EPA argued that, while the rule does not include specific provisions requiring pathogen treatment, other requirements in the rule may achieve some pathogen reductions. The court states that the CWA requires EPA to set regulatory requirements based on the best pollutant control technology, and EPA has not done that." We're not sure where this is all headed, however TAD will continue to work with other Agricultural Groups and with the Federal and State agencies on how this potentially impacts your business. The comments

reported here were taken from an article reprinted from www.insideepa.com. by John Cowan

Meet Tamilee D. Nennich, Ph.D.



Dr. Tamilee Nennich, assumed her duties as the Dairy Extension Specialist / Assistant Professor at the Texas A&M University Research and Extension Center in Stephenville on February 1, 2005. TAD supports the work of Dr. Nennich and encourages each of you to get to know her as you have an opportunity. Dr. Nennich fills a position that was left vacant about two years ago, and we are pleased to welcome her to Texas.

EPA's Air Consent Agreement: TAD is taking an active role working with a National Milk Producer Federation Task Force to more completely understand just what this agreement means to you as a AFO / CAFO operator. Two dairymen, Harry DeWit and David DeJong along with John Cowan will be meeting in Chicago on March 10 as members of a NMPF Task Force committee charged to evaluate and develop information, which will be provided to dairy producers.

Canadian Border to remain closed. March 2, 2005. A federal judge in Montana has granted a temporary injunction against USDA that will keep the Canadian boarder closed to live cattle for the foreseeable future. The decision, according to R-CALF USA spokesperson Shae Dodson, will result in either an appeal by USDA to the 9th Circuit Court of Appeals or a trial on the issue of the safety of Canadian cattle that she estimates would take place between mid-summer and early autumn of this year. In his decision, U.S. District Judge Richard Cebull ordered the two sides to produce a mutually agreeable timetable for a trial, and gave them 10 days to produce it. Reprinted from an article by Dewitt Hardee. jc

NRCS NEWS

Conservation Innovation Grants (CIG) is a voluntary program intended to stimulate the development and adoption of innovative conservation approaches and technologies while leveraging the Federal investment. Under CIG, EQIP funds are used to award competitive grants to non-federal governmental organizations or individuals. Funding for CIG is announced each year through a request for proposal. Funds for single or multi year projects not to exceed three years may be awarded through the competitive grant process. If you are interested in CIG, once funds for CIG become available, and RFP is posted on the federal eGrants portal, www.grants.gov. If you want more information about CIG, you can contact Kari Cohen, 14th and Independence SW, Room 5239-S, Washington, DC. 20250; phone: (202) 720-2335; fax: (202)720-4265; e-mail: kari.cohen@usda.gov.



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