

# TAD News...Jan. 2005

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## Managers Update

By John Cowan

### Texas Legislature Off and Running

On January 27<sup>th</sup>, Speaker of the House Tom Craddick released his decisions on House Committee Appointments. TAD will be present in Austin working with your representatives and committees, monitoring bills that get filed and evaluating any potential impact those bills might have on dairy farmers across the State. At this early juncture in the process, we of course will be watching closely, legislation dealing with School Finance, Tax Legislation, Appropriations and Water Bills that may come up. Based on the high profile issue with school funding, we believe that is going to keep the legislature busy as the one important measure they must deal with. However we will not be sitting back and just watching. TAD is working with a coalition of other agriculture related entities that will be present at every hearing and or committee meeting where TAX legislation is discussed. The State Comptroller indicates Texas has a minimal budget surplus this year, however that surplus won't last long if the legislature holds true to form, and we should expect some sort of revenue enhancement programs coming out of this legislature. That may be in increased user fees; passed through by various agencies you use, or it could translate into increased taxing rates, revised evaluations or possible new tax programs. No one knows how this will shake out, but we will be there working for your interest. TAD encourages you to remain active with your Senator and Representative, for it is this process where you have the greatest impact. Legislators will listen to their constituents. We must be sure they get that opportunity to listen. jc

### Federal EPA Schedules Meeting in Fort Worth

According to information I received recently, EPA Region 6 "Waste-to-Energy" task force is inviting dairy producers to attend a FREE Concentrated

Animal Feeding Operation (CAFO) Waste-to-Energy Workshop in Fort Worth, Texas on Tuesday, March 1, 2005. The workshop will be held in conjunction with a landfill Gas Energy Workshop. Workshop presentations will focus on the economics and possibilities of beneficially using animal waste derived gas, how to address project hurdles, incentives for making projects happen, as well as lessons learned from CAFO gas energy projects in Region 6 and elsewhere. In addition, DOPA CEU's will be available to Texas Dairymen. For details on the seminar, including the agenda and hotel and registration information you can go to the following site. You will need to type the link to your web browser line and hit enter to access the site. <https://www.enstg.com/signup/> Enter the conference code number ( NOR24724).

**USDA Designates Texas Counties** as agriculture disaster areas. In Texas many areas of the State suffered losses due to the heavy rains, wind and persistent wet conditions. You can check with your local USDA Service Centers to verify if your county is one of these areas. For designated counties, all qualified farm operators may be eligible for low-interest emergency (EM) loans from the Farm Service Agency (FSA), provided eligibility requirements are met. Farmers in eligible counties have eight months from the date of the declaration to apply for the loans to help cover part of their actual losses. USDA has also made other programs available to assist farmers and ranchers, including the Emergency Conservation Program, Federal Crop Insurance and the Noninsured Crop Disaster Assistance Program. Source by the Farm Service Agency

### EPA Releases Air Quality Compliance Agreement

On January 21, 2005, the U.S. EPA announced the "Air Quality Compliance Agreement" for animal

feeding operations ([www.epa.gov/compliance](http://www.epa.gov/compliance)). Previous working drafts had been referred to as “Consent Agreement”, “Safe Harbor Agreement”, and “AFO – CAFO Agreement”. The Air Quality Compliance Agreement is a voluntary agreement between EPA and animal feeding operations (AFOs). The Agreement will become officially available when it is published in the Federal Register. The anticipated publication date is February 1, 2005. Following official publication, there will be a 30-day public comment period concurrent with a 90-day sign-up window for producers to voluntarily execute and return the agreement to EPA. This means that dairy producers will have until about May 1, 2005, to decide whether or not to participate and if so, to return paperwork to EPA. After the 90-day sign up period expires, EPA will not accept any new participants.

By way of background, a 2002 report by the National Academy of Sciences indicated that more data is required to properly quantify air emissions from AFO's. The gap in data makes it difficult for EPA to enforce existing clean air laws. This also makes it difficult for dairy producers to determine if they are out of compliance or not. This agreement is touted to imply that it offers producers protection from EPA enforcement of air emissions, violations from livestock housing and manure storage facilities that occurred before as well as during the Agreement period. Air emissions from field application of manure are not part of the agreement. All participating dairy producers are being told they may need to contribute as much as \$2,500 per farm to

fund a nationwide, two-year, dairy air emissions monitoring study. The funding can come from individual producers who sign up or from other sources. EPA is recommending monitoring in four U.S. regions: the Midwest, Northeast, West and South. Emission monitoring is expected to be performed by independent scientist with the data forwarded to EPA for review. It needs to be noted that this agreement does not exempt producers from applicable state clean air laws, it does address civil liability for certain potential violations of federal law.

TAD is not making a statement of advice to support this agreement or to not support it. We will be working with a National Milk Producers Federation Task Force as a participating member to work through the many questions we have with this agreement. My charge with this newsletter is to insure you are at least made aware of the agreement. As information develops, we will be getting that information out to you as quickly as we can. Your cooperative, I feel sure, will also be providing information to you as it develops. jc

#### **U.S. Food and Drug Administration**

Has had a rule in place for some time to prevent the establishment and amplification of BSE through animal feed in the U.S. FDA implemented a final rule that prohibits the use of mammalian protein in feeds for ruminant animals. The rule, 21 CFR, Part 589.2000 of the CFR was effective on August 4, 1997. You will see more FDA compliance inspections in coming months at businesses handling feed products. jc



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