



TAD News

July 2006 – National Ice Cream Month

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TAD speaking out on environmental concerns

The TAD Board of Directors met in Amarillo on June 27-28 for its regular June Board meeting.

The Panhandle's elected state lawmakers were invited to attend, and several joined the Board to talk about the projected dairy growth in West Texas, environmental regulations and issues that could come before the 80th Texas Legislature in January 2007.

Manager's Update

John Cowan

Sen. Kel Seliger and Reps. Warren Chisum, John Smithee and David Swinford took the opportunity to share their ideas and issues with the Board.

Sen. Todd Staples of Palestine, a candidate for Texas Agriculture Commissioner also joined the group following a tour of a local dairy. Later that same day, the Board attended a fundraiser for Staples, which the Texas Dairymen PAC co-sponsored.

Also in the last month, I attended and participated in a "table-top" exercise on a mock outbreak of Foot and Mouth Disease (FMD) with the Panhandle Bio-Terrorism Working Group and about 150 area individuals in Amarillo. The exercise confirmed that the various groups and organizations participating in this exercise need work on their crisis management plans for dealing with an event such as the FMD outbreak. A field exercise is scheduled in the Amarillo area Aug. 8-10, and TAD will participate.

TAD is one of many organizations across the nation supporting a national coalition called Farmers for Clean Air and Water. This group is working on clarifying language in proposed federal legislation dealing with CERCLA and animal agriculture. Currently, a

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EPA to "listen" in Dallas on Aug. 2

The Environmental Protection Agency will hold a "listening session" in Dallas on Aug. 2 to hear input on proposed revisions to the 2003 CAFO NPDES Rule.

The Dallas session will be 9 a.m. to noon at Texas A&M University's Dallas Agricultural Research & Extension Center (Pavilion) at 17360 Coit Road.

Some of the proposed changes to the 2003 rule include:

- CAFOs with the potential to discharge will not be required to get a permit, only CAFOs that actually discharge or propose to discharge will need to obtain an NPDES permit.
- The CAFO's Nutrient Management Plan (NMP) must be incorporated in the permit and reviewed by the permit authority. The NMP also will be available for public review.
- EPA proposes to clarify its selection of best conventional technology for fecal coliform bacteria.
- CAFOs land applying manure or processed wastewater will not need NPDES permits if the only discharge from those facilities is agricultural stormwater.

Information on proposed rule can be found at <http://www.epa.gov/npdes/afo/revise.html>.

State Chemist planning dairy farm visits

The Office of the Texas State Chemist (OTSC) has begun inspecting farms, feedlots, food salvage operations and transportation companies as part of a three year grant from U.S. Food and Drug Administration to perform additional BSE inspections.

The grant program is an outgrowth of a report by the General Accounting Office that identified gaps in FDA's oversight of the ban on prohibited mammalian protein in ruminant feed.

Six states, including Texas, were awarded competitive grants to augment their state and FDA contract BSE inspections.

OTSC will contact dairyman prior to visiting their farm. The visit lasts about two hours and includes a review of records and sampling of feed ingredients.

So far the OTSC has found a high level of compliance with the ban. The OTS believes this effort helps strengthen Texas agribusiness and the related cattle markets.

The OTSC, part of the Texas Agricultural Experiment Station, has regulatory oversight of the feed industry. ■

Dairy manure export program reaches major milestone as end approaches

The Dairy Manure Export Support (DMES) Project in Erath County can claim a remarkable achievement – as of July 1, more than one million tons of manure have been removed from North Bosque and Leon watershed dairies and transported to commercial composting operations.

The DMES Project, whose original goal was to move 300,000 tons of manure, was due to end in September 2005. However, because of an additional appropriation sponsored by State Sen. Kip Averitt and a Clean Water Act grant from the Environmental Protection Agency through the Texas State Soil and Water Conservation Board, the project was continued for another year.

The total hauling of more than one million tons of manure roughly correlates to more than three million pounds of phosphorus that has not be land applied on manure application fields. Phosphorus contained in run-off from manure application fields has been identified as one source of water quality impairment in the North Bosque stream system.

Since it began in the winter of 2000/2001, the project has gradually reduced the rate at which it has reimbursed haulers. The original rate was \$2.25 per ton of manure hauled for the first mile between a dairy and the nearest composting

operation, with an additional 15 cents for each additional mile. On July 1, final rate reduction was enacted, lowering the reimbursement to 45 cents per ton for the first mile and 4 cents for each additional mile.

“DMES was intended from the beginning to be a mechanism for establishing a sustainable composting market in the area,” said TAD Executive Director John Cowan. “Although reducing the reimbursement rate will obviously force other parties to shoulder more of the financial burden, we all expected the financial assistance to come to an end sooner or later. Thankfully we were provided these additional funds so that the project could be transitioned from governmentally funded to market-driven in a controlled manner.”

Hauling under the project is now scheduled to end Aug. 31.

Because there may be remaining funds at that date, a brief extension of the project under the reduced rate is being considered.

Other uses for the remaining funds which would continue to support the progress made in the region may also be identified.

For more information on the DMES Project, contact John Foster at the TSSWCB at (254)773-2250, ext. 235. ■

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bill filed by U.S. Rep. Ralph Hall of Texas has more than 170 supporters, and a Senate companion bill was recently filed with 23 cosponsors (*see back page for more*).

I recently met with Texas Commission on Environmental Quality Executive Director Glenn Shankle, along with a dairy producer, TAD’s political affairs specialist and TAD’s attorney to work through a few issues that have created difficulty in completing CAFO permit technical packages for Central Texas. On July 20, TAD hosted a dairy producer meeting for dairymen in that area that included representatives from the Natural Resources Conservation Service and Texas State Soil and Water Conservation Board to review CNMPs. TAD ended the meeting with discussion concerning TCEQ requirements.

TAD will participate in a Federal EPA Region 6 listening session on Aug. 2 concerning the recently proposed rule changes to the federal CAFO rules. TAD will submit written comments on these proposed changes by the Aug. 14 due date. ■

Coats announces retirement

Dr. Max Coats, deputy director for the Texas Animal Health Commission (TAHC), has announced he will retire July 31 after 19 years with the livestock and poultry health regulatory agency.

He joined the TAHC as a field epidemiologist. In addition to his current assignment as the TAHC’s state epidemiologist and head of laboratories and support functions, Coats also is the agency’s poultry specialist. ■

Input invited for EQIP spending

The Texas Soil and Water Conservation Districts invite the public and any agencies with interest to participate in the upcoming Program Development Group (PDG) meetings.

These meetings are led by the local Soil and Water Conservation District (SWCD) in partnership with USDA-Natural Resources Conservation Service (NRCS) in each county and provide an opportunity for participation and comments from a broad range of local agencies, organizations, businesses and especially farmers and ranchers who have an interest in natural resource conditions and needs.

Each county in Texas holds public meetings annually. County meetings will soon be posted on the Texas NRCS Web site at www.tx.nrcs.usda.gov.

The purpose of the meetings are to allow members of the community a forum to provide recommendations on local issues and county based funding that can be addressed through the Environmental Quality Incentives Program (EQIP). These local stakeholders include landowners, commodity groups, agri-business leaders, environmental groups and others who may have an interest in local natural resource needs.

Following the meetings, Local Work Group (LWG) meetings chaired by the NRCS District Conservationist will be scheduled before Sept. 15. The LWG will consider the recommendations of the PDG and to provide their own input.

The LWG will advise NRCS on how the local people would like the EQIP program carried out.

For more information, call the USDA-NRCS office in your county, listed under USDA in the Yellow Pages, or access the information on the Texas NRCS Web site at www.tx.nrcs.usda.gov. ■

TAD Board Visits West Texas

Dairymen and state lawmakers from the Panhandle exchanged information and ideas about issues facing the dairy industry during a legislative forum held in June in Amarillo by the Texas Association of Dairymen.

The forum was held as part of TAD's monthly board meeting, which relocated to Amarillo's Ambassador Hotel from its usual setting of TAD's Grapevine headquarters.

The forum drew state Sen. Kel Seliger (R-Amarillo) and state Reps. John Smithee (R-Amarillo) and Warren Chisum (R-Pampa). While Rep. David Swinford (R-Dumas) could not attend the afternoon forum, he breakfasted with TAD Board members the following morning.

State Sen. Todd Staples (R-Palestine) also attended the legislative forum following a visit to Mission Dairy owned by Mike Schouten just north of Hereford.

"The forum was beneficial for both dairymen and elected officials," said TAD Executive Director John Cowan.

"Lawmakers learned more about the dairy industry, which is growing quickly in the Panhandle, and its concerns. Dairy producers gained an understanding of some of the pressing issues facing Texas

"TAD thanks the elected officials for taking time out of their busy schedules to attend the forum, and we appreciate their genuine interest in learning what they can do to help our industry thrive."

The legislators said they are gaining knowledge about the burgeoning industry. They commended the dairies operating in the Panhandle for their environmental awareness.

They also acknowledged the industry is having some growing pains in the Panhandle, facing problems such as a manpower shortage. Some state job training funds could help with that situation, the dairymen were told.

Discussion also touched on the new Hilmar Cheese Co. plant in Dalhart. Producers told lawmakers that the plant will not be able to use enough of the growing amount of milk being produced in the region, and that another commercial

outlet is needed locally so that transportation costs are minimized.

Board members asked if the lawmakers could help expedite the plant permitting process, if necessary, to draw another plant to the area.

While lawmakers said they want to make the permitting process go smoothly, they are committed to adhering to environmental concerns.



TAD Board President Gordon McCool (l) and Executive Director John Cowan (r) visit with Sen. Todd Staples, candidate for Texas Agriculture Commissioner.

Dairymen learned that major issues for the 80th legislative session, to start in January 2007, will include the availability of water and monitoring the implementation of the newly

TAD Board action

The TAD Board of Directors took the following action during its June meeting in Amarillo:

- Hired Leonard Dougal with the Jackson Walker LLP law firm in Austin to assist TAD with TCEQ permitting and legislative matters.
- Authorized a \$1,000 scholarship to the State FFA Dairy Proficiency winner.
- Approved a \$2,000 contribution to the Farmers for Clean Air and Water Coalition, a nonprofit organization in Washington, D.C., working on proposed federal CERCLA and animal agriculture legislation.

The next TAD Board meeting will be held at TAD's Grapevine headquarters at 1 p.m. Aug. 22. ■



State Rep. Warren Chisum (l) and Sen. Kel Seliger (r) attended the TAD legislative forum, where they heard from Panhandle producers David Lawrence and Harry DeWit (center).

passed tax reform package.

Lawmakers also listened to dairy industry concerns about the delay in issuing CAFO permits in Central Texas and the possible loss of federal EQUIP money because of those delays. Following the forum, the TAD Board attended a fundraiser for Staples, co-hosted by TAD and the Texas Cattle

Feeders Association. Staples has been endorsed by the Texas Dairymen PAC. ▪

New Mexico enforcing animal ID rules

New Mexico livestock health officials have implemented and are enforcing animal identification requirements for dairy calves shipped into their state to assist in tracking potential disease introductions, particularly cattle tuberculosis (TB).

New Mexico requires dairy calves to be individually identified with an official USDA ear tag, or a commercially produced ear tag that shows the state and premises of origin, if the calves are not imported into the state as part of a cow/calf pair. If commercial tags are used, the original owner's name, address and an individual animal number must be imprinted on the tag, and the commercial tags must be pre-approved by the New Mexico Livestock Board.

The New Mexico Livestock Board may be reached at (505) 841-6161.

New Mexico requires dairy and beef cows and bulls from all states to have a negative TB test within 30 days prior to importation, and these animals are tagged. Calves entering New Mexico, however, are not TB test-eligible until they are 12 months old, and many would not otherwise be identified.

By requiring dairy calves to be tagged, New Mexico livestock health authorities can notify the state of origin, if an imported calf later tests positive for cattle TB. ▪

Air quality brochure available for free

To help inform operators of animal feeding facilities about state and federal air quality regulations, the brochure "Air Quality Standards and Nuisance Issues for Animal Agriculture" has been published by Texas Cooperative Extension.

"As animal feeding operations in Texas and other states are growing in size and concentration, air quality standards are being strictly enforced," said Dr. Saqib Mukhtar, Extension agricultural engineer.

The five-page publication covers the Clean Air Act, basic air quality principles and new ammonia and hydrogen sulfide reporting requirements.

The publication (No. E-40) is available free on the Extension Bookstore Web site at <http://tcebookstore.org>. Click on the section called "Agriculture" then "Livestock." ▪



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Lobbying intensifies in DC to exempt manure from Superfund rules

Farm groups have increased their lobbying efforts to exempt animal manure from some EPA regulation, and GOP lawmakers are looking for a legislative vehicle.

Sens. Pete Domenici (R-NM) and Larry Craig (R-Idaho) are interested in introducing legislation stating that manure should not be classified as a hazardous substance under either the Superfund waste cleanup law or EPA toxic reporting requirements under the Emergency Planning and Community Right-to-Know Act.

Craig last year tried to include such language during conference talks on the FY06 agriculture spending bill.

A coalition which TAD is supporting – Farmers for Clean Air and Water – consists of the American Farm Bureau, Tyson Foods and other livestock, poultry and dairy companies. The coalition has hired lobbyists, and supporters are looking at attaching language to a spending bill, though a stand-alone bill remains an option.

Local and state officials – including the U.S. Conference of Mayors, National Association of County and City Health Agencies and the Association of Metropolitan Water Agencies – wrote lawmakers in June arguing that the Superfund law is the only federal statute that allows drinking water providers to recover the costs of reducing or removing contaminants.

Supporters of the language contend that the Superfund law is not being properly interpreted. Superfund "was created to provide for cleanup of toxic waste dumps and spills such as Love Canal and Times Beach," according to a letter from 109 lawmakers, led by Rep. John Boozman (R-Ark.) to House leaders asking for action on their bill. "Limited Superfund resources should not be diverted from such sites for cleaning up animal manure on farms throughout the nation."

Manure is also a "naturally occurring substance and is routinely used as a fertilizer" which means it is "clearly exempted" from EPA toxic chemical reporting requirements, the lawmakers wrote. Opponents say the routine application of manure as fertilizer has not resulted in EPA enforcement actions. ▪