



# TAD News

## April 2009

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John Cowan  
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**Next TAD Board Meeting:**  
**1 p.m., May 14**  
Grapevine, Texas

## Dairymen make their voices heard in Austin

The Texas Association of Dairymen Board of Directors held its April meeting in Austin, with 10 of the 14 Board members attending.

In addition to taking care of a full agenda of business items, the Board also hosted a reception and dinner for key Texas legislators. Even though lawmakers at this point in the session have a full calendar of hearings, meetings and other receptions, several attended the TAD function to socialize with dairy producers and hear, in an informal setting, about dairy issues. TAD appreciates the lawmakers taking time out of their busy schedules.

The following morning, Board members divided into three groups, each escorted by TAD staff, to visit the offices of legislators who sit on House and Senate committees that consider bills pertaining to TAD issues. In addition to visiting with lawmakers or their staffs, Board members dropped off packets with information about the dairy industries and its contributions and importance to the State of Texas.

The importance of dairy men and women calling on their elected officials in the Texas Legislature to educate them on the issues that impact your business on the farm cannot be overemphasized.

If you are not telling your story, there are others at the Capitol who are telling a story that may or may not be in your best interest. As the 81<sup>st</sup> legislative session has now kicked into high gear, TAD staff are in the Capitol full time working on your behalf.

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Recently, Dr. Ellen Jordan of Texas AgriLife Sciences and I held a producer information meeting in Windthorst.

The meeting was well-attended by area producers. We discussed concerns with environmental regulations and what dairy operators can do if state or federal environmental agencies show up to do an on-farm inspection. ■

**Manager's Update**  
John Cowan

## Capitol Report Bill "death watch" underway

By Shayne Woodard

With less than 40 days before the end of the 81<sup>st</sup> legislative session, panic among lawmakers and lobbyists is setting in as bills begin to near the end of their existence. Even though the session ends June 1, legislative process deadlines begin to kick in around May 11. That day, for example, is the last day a House committee can report out a House bill.

As the deadlines progress, however, we cannot rest easy. The legislative process does not stop just because a bill is thought to be dead. The language in that bill can magically reappear as an amendment "catching a ride" on another bill that is moving through the process.

Lobbyists and lawmakers alike will be looking for similar bills that could keep an issue alive. At the end of a legislative  
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TAD Board members meet with State Rep. Warren Chisum, second from right, at the Texas Capitol. Shown are Joe Osterkamp, Chisum, Mark Long, Larry Hancock and Richard DeVuyst.

## “Capitol,” continued from page 1

session, a bill that was originally three pages can balloon to 25 pages after it picks up amendments as it navigates through the House and Senate processes.

This dangerous time can work for you and against you. Amendments related to animal agriculture, environment, immigration, transportation and taxes will be lurking. The TAD lobby team will continue to monitor the process and advocate for the dairy industry of Texas. ▪

## TAD Board Action

The Texas Association of Dairymen Board of Directors took the following action during its April meeting in Austin:

- Created an “Audit Committee” on the Board.
- Approved a TAD booth at Southwest Dairy Day.
- Approved sponsorships/contributions – \$1,000, Western States Air Symposium; \$500, Manure Management Conference; \$1,000, Texas Senate Hispanic Research Council; \$500, Texas Department of Agriculture’s 2009 Family Land Heritage Program.
- Approved hiring of an additional TAD lobbyist through the end of the legislative session.

TAD’s next Board meeting will be May 14 in Grapevine.

## Turley joins TAD staff

TAD welcomes Darren Turley, a second generation dairyman, as its new assistant manager. Turley, who lives in Dublin, is a 20-year veteran of the dairy industry.

A graduate of Tarleton State University, he has been recognized by the Texas Farm Bureau with its Excellence in Agriculture award. He is a graduate of the organization’s Agriculture Leadership Program.

Also, Turley has served as chair couple of young cooperators programs for the National Milk Producers, Dairy Farmers of America and Associated Milk Producers Inc.

He and his wife, Deanna, have two daughters, Jaclyn, 13, and Madison, 3. ▪

## Beware: EPA making surprise visits

By Attorney James D. Bradbury, PLLC

There are troubling developments on the environmental front. We have seen a rapid increase in the number of unannounced facility inspections being conducted by Environmental Protection Agency, Region 6 based in Dallas.

These inspections have taken place in multiple areas of the state and appear to be targeting dairies. The inspections are zero tolerance and often involve a press release and assessment of significant fines.

Dairy producers are familiar with Texas Commission on Environmental Quality (TCEQ) and its requirements and inspections. Texas is a “delegated” state, which means that the federal government has authorized the State of Texas through TCEQ to carry out enforcement of environmental statutes, including the Clean Water Act. In the past, TCEQ has carried out that work and EPA has remained in the background.

A couple of factors indicate that producers will be seeing more of EPA inspectors. One, EPA and TCEQ do not agree on the interpretation of a number of regulatory requirements for dairy facilities. EPA also feels that TCEQ is not properly carrying out its inspection and enforcement program. EPA is now pushing itself into the lead. Second, AFOs and CAFOs are a major target for EPA nationwide. Enforcement against animal facilities is a primary initiative set by Washington, DC.

This scenario, while frustrating, is real, and you need to be very aware of it. Facilities in multiple watersheds have been subjected to surprise inspections by EPA investigators who identify violations for conditions that TCEQ inspectors may have not cited in the past. Shortly thereafter, the facility finds itself the subject of a press release and possibly a steep fine.

You should contact your consultant and receive specific assurance that your facility and its operations are in compliance with both TCEQ and EPA requirements. EPA has guidance documents that detail its major concerns with dairy facilities, which can be obtained from Region 6 in Dallas.

TAD is monitoring these developments and will continue to provide information once it becomes available.

But do not ignore what these developments suggest. Environmental compliance is extremely important, and you need to make it a priority. ▪



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