



Texas Association of Dairymen

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DAIRY SETTLEMENTS NOT A “WIN” FOR EITHER SIDE

By John Cowan

Recent weeks have seen five Central Texas dairies cry “enough” and decide to settle their portion of the City of Waco lawsuit against them.

Each time one of these settlements is announced, Waco officials and their outside lawyers are quick to crow over their latest “win.” But who – other than the lawyers – really is winning in this protracted legal battle?

One of the settlements forced the dairyman to give up his dairy operating permit and sign paperwork barring that land from ever being used again as a dairy. What will that producer now do to earn a living? And how can he sell that piece of land now?

Another settlement was with a dairy already out of business, meaning no cows were on that property that could have been impacting the Bosque River. How does taking zero cows out of the watershed help? There was no risk of a new dairy starting up there – who would have dared operate one on a parcel of land that already had been tainted by a land-use lawsuit?

Waco officials like to brag about the number of “permitted” cows removed from the watershed by each settlement. These are misleading numbers.

The actual number of cows grazing in the watershed is only about 68 percent of the 56,198 cows that are allowed by the Texas Commission in Environmental Quality.

A *Waco Tribune-Herald* editorial recently stated that city has spent \$4.1 million of its taxpayer’s hard-earned dollars in the past five years to fight what it calls the “Battle of the Bosque.” What exactly those costs included was not detailed. Was it strictly outside attorney’s fees? Other items?

The so-called “comprehensive” study – a flawed work whose preliminary results were released in February – alone cost \$1.9 million.

Regardless, that \$4.1 million breaks down to about \$36 per every man, woman and child in Waco, according to 2000 Census data. Is this a win? Voters will have to answer that at the ballot box.

This fight has done little to improve taste and odor problems in Lake Waco, some of which is caused by the city itself. Real environmental progress, instead, comes from dairies’ compliance with new environmental programs and standards, which should be encouraged.

In February 2003, the dairy industry, state regulators and the City of Waco leadership reached several

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agreements that would have gone far to improve water quality. Yet, only days later, the city served the upstream dairies with notices of its intent to sue.

Six dairies are hanging tough as defendants. The pressures of remaining part of this lawsuit may yet grow too burdensome. The Texas Association of Dairymen will continue to support these dairy operators every step of the way.

Meanwhile, the two sides haven't talked constructively outside of a courtroom since the lawsuit was filed. And that's the real shame in this legal battle that so far has been a lose/lose for everyone involved both in Waco and upstream.

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