



TAD News

May 2010

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Next TAD Board Meeting:
1 p.m., June 10
Grapevine, Texas

Dairies still under regulatory, financial pressures

This article is somewhat of a continuing discussion because I believe it is important to keep you informed on how you can best be prepared to meet the regulatory demands facing you and to give those who may not know what farmers face a better understanding of the process.

TAD Update
John Cowan

As producers are well aware, during the past 18 months dairy farm families have experienced possibly the worst economic recession most of us can remember. Farmers and their families are sitting at their kitchen tables making tough choices to survive the present as well as trying to plan for an uncertain future. They have been tested to the breaking point; in some cases, the breaking point has been reached with devastating results for those families.

Part of the trials facing farmers today include not only conventional economic challenges, but also increasing pressure brought by critics of animal agriculture, including environmental and animal activists. The louder those voices are, the more there is talk of increased regulations needed to protect natural resources.

It requires us in the dairy industry to educate those who don't know or understand how this impacts you and your families. Not only does it affect you but also the communities where you live and work. It is apparent that signals from Washington, D.C., today suggest that the Environmental Protection Agency (EPA) is evaluating dairy farms and other confined animal feeding operations across the country to determine how they measure up in compliance with environmental rules and regulations.

I understand that the EPA has a goal to inspect a number of dairies in all regions across the United States for document review (including animal inventory; manure and wastewater storage use and disposal; leases/spreading agreements; and nutrient management plans). Dairy farmers can prepare for inspections by maintaining good records, keeping facility plans up-to-date and staying informed. If you are inspected, **(Continued, "Update," page 2)**

Dairy industry working to exempt milk from EPA hazardous storage rule

Dairy producers need to be aware of a federal rule that could affect them starting Nov. 10 unless the dairy industry successfully gains an exemption.

A key element of the EPA's Spill Prevention, Control and Countermeasure Program (SPCC) rule mandates that farmers and other facilities have an oil spill prevention plan (SPCC Plan) if the farm has an aggregate storage capacity of oil products (including animal fats, i.e. milk) of 1,320 gallons or more for every storage container larger than 55 gallons (not including vehicle storage capacity). A professional engineer must certify the plan.

A farm with less than 10,000 gallons of total storage capacity and no single storage greater than 5,000 gallons can self-certify its SPCC plan.

EPA's fact sheets for farms are available at www.epa.gov/oem/docs/oil/spcc/spccfarms/pdf.

Having spill containment for fuel storage tanks has been a rule for a number of years; however TAD now understands that the EPA determines "milk" falls into the same category as oil or oil products (fuels) and is essentially considered a hazardous substance. Through efforts of industry led by the National Milk Producers Federation (NMPF), EPA has been petitioned to exempt bulk milk storage tanks subject to the Pasteurized Milk Ordinance (PMO) from requirements of the SPCC rules.

If the EPA grants this exemption, dairies will get some relief from the SPCC plan. However, dairy farmer would still follow the SPCC Plan rule for other oil or oil product storage tanks.

NMPF developing a SPCC plan template specifically for dairy producers. Once the template is complete, producer education information on the SPCC Plan rule and use of the template will be made available through webinars and/or online tutorials. ■



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work with the agency personnel to resolve any outstanding issues in ways that are constructive, not confrontational.

TAD is urging both state and federal agencies to channel their efforts into beneficial ways to implement programs and to outreach to farmers instead of simply taking enforcement actions. ▪

Capitol Report

Sunset begins reviewing state agencies

By Shayne Woodard

The Texas Sunset Commission is in the middle of one of its busiest review years ever. The 12-member Commission is a legislative body that reviews the policies and programs of state agencies every 12 years, on a staggered basis.

The Commission issues a report on each agency after careful review of its programs and services and make recommendations to the Texas Legislature on how an agency’s operations and activities can be improved – or even abolished.

This review cycle analyzes 28 state agencies including the Texas Department of Transportation, Texas Commission on Environmental Quality, State Soil and Water Conservation Board, Texas Water Development Board, and the Workers Compensation Division of the Texas Department of Insurance.

At the Commission’s April public hearing, TSSWCB officials were intensely questioned by legislators about its brush control program and the program’s inability to prove the enhancement of water.

Commission members were set to vote on any proposed changes TSSWCB at its May 25-26 hearing, which will be the first meeting for Rep. Larry Taylor, R-Galveston, after the resignation from the House of Rep. Carl Isett, R-Lubbock. The Commission also was to hear public testimony on the PUC and TDI’s Workers Compensation Division.

Public input on recommendations for the TCEQ and TXDOT will not be heard until December.

Sunset staff reports on agencies and submitted comments are at Sunset’s website at www.sunset.state.tx.us ▪

Texas AgriLife Extension Service Save the Date – 2010

July 9 – Value Added Market Cows, Hopkins County Civic Center. More information: Jill, jhodkins@txbeef.org.

July 11-15 – American Dairy Science Association-Annual Meeting, Denver. More information: www.adsa.org.

July 20 – Small Grain Forage Conference, Stephenville. More information: Todd Vineyard, (254) 965-1460.

Dairy industry speaks up on Farm Bill

TAD was present in mid May as the U.S. House Committee on Agriculture held a hearing in Lubbock to listen to concerns about the 2010 Farm Bill.

The dairy industry was represented by Brad Bouma, a fourth generation dairy farmer from Plainview. Bouma discussed the need for a change in milk policy such as deletion of the Dairy Product Support Price Program and changes to the Federal Milk Marketing Orders. He also discussed the need for a better risk management program for producers. The committee also heard about the need for sustainability in the dairy business.

Through advancements in manure digester technologies, it will be possible to fuel milk trucks with gas from these units. The committee stated that the Lubbock hearing drew the largest attendance to date. ▪

Pharmaceutical disposal being studied

How does the dairy industry dispose of its pharmaceuticals?

TAD is working closely with other livestock groups to create a producer-friendly survey that looks at what producers do with the pharmaceuticals they no longer use or need. The survey was mandated last session by the Texas Legislature, which required the Texas Commission on Environmental Quality to submit a report to lawmakers by December.

The concern is with ground/surface water contamination from these drugs. The survey will look at all sources of unused pharmaceuticals, including hospitals, nursing homes and medical supply providers. ▪