



Texas Association of Dairymen

For Immediate Release

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FINALLY – AN END TO A LAWSUIT THAT NEVER SHOULD HAVE BEEN FILED

By John Cowan

How's the water? Taste any different than it did in April 2004? That's when the city of Waco filed a federal lawsuit against 13 upstream dairies in the North Bosque watershed.

Probably not. Of all the things the lawsuit did, making the city's drinking water cleaner wasn't one of them.

Now the lawsuit has been settled. Details of the settlement are confidential, by order of the judge.

Clean, safe drinking water for residents of the city of Waco is a goal that both sides in the lawsuit can support. Dairy farmers live off the land and want a clean environment, too.

But it's hard to see that anything beneficial came out of the lawsuit, unless you're one of the lawyers benefiting from the millions of dollars both sides spent in legal fees.

The city spent taxpayer money that it probably could have used for other improvements. Dairy farmers drained their life savings. A region's primary economy suffered – even dairymen who weren't defendants found it harder to renew insurance, borrow money from a bank or sell their property, all because of the threat of further litigation.

Permit applications in the watershed still will be considered under existing state regulations adopted in July 2004, according to public statements made by the lawsuit's parties.

Ironically, the lawsuit actually prevented the region's dairy farmers from operating under stricter rules in these TCEQ regulations. Because of opposition from Waco, the farmers have not been able to obtain or renew their state operating permits. These new permits would have required the farmers to adhere to even more stringent rules, some of the most restrictive in the country.

Now that the lawsuit is over, the Texas Association of Dairymen would like to see both the "city folk" and the "country folk" work together to achieve their mutual goal of a clean environment. Before the lawsuit was filed, the City of Waco and the dairies were making progress toward solving their differences.

How can we return to this spirit of cooperation?

Let's explore other management, operational and design refinements through additional rulemaking to govern the dairy industry – farmers are willing to comply with reasonable regulations.

Let's investigate new technology – how else can we dispose of a cow's natural byproduct? Already we've seen some successful alternative projects, such as the anaerobic digester operating on a dairy farm near Hico.

Let's think "outside the box" to find solutions that make an impact and that both sides can live with.

Scientific evidence shows that water quality has improved substantially in the Bosque watershed over the last decade. By working together – instead of facing each other across a courtroom – I believe we can make sure that all Central Texans have clean water to drink.

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John Cowan is the executive director of the Texas Association of Dairymen Inc. (www.milk4texas.org).

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