



JOEL KITCHENS

STATE REPRESENTATIVE • 1ST ASSEMBLY DISTRICT

Testimony for the Assembly Committee on Agriculture
Assembly Bill 796
Tuesday, Feb. 4, 2020

Thank you Chairman Tauchen and committee members for holding a public hearing and giving me the opportunity to testify on Assembly Bill 796.

This bipartisan bill, which came from the final recommendations of the Speaker's Task Force on Water Quality, creates a nitrogen optimization pilot program where the Department of Agriculture, Trade and Consumer Protection would award grants to farmers or producer-led watershed groups in targeted areas for implementing projects that reduce nitrogen loading.

Farmers are some of the most responsible stewards and conservationists of our land throughout Wisconsin, so it only makes sense to take advantage of their vast knowledge and get them further involved in lessening the amount of nitrates in our water.

It is critical that we protect our water from excessive nitrates because of the impacts to human health. For almost 75 years, physicians and public health professionals have known that exposure to high levels of nitrates can lead to "blue baby syndrome," a condition where a baby's skin turns blue due to decreased hemoglobin in their blood.

Nitrate exposure during pregnancy can also result in increased cases of intrauterine growth retardation, cardiac defects, central nervous system defects, Sudden Infant Death Syndrome (SIDS) and miscarriage.

According to the U.S. Environmental Protection Agency, exposure to higher levels of nitrates also has been associated with increased incidence of cancer in adults, and possible increased cases of brain tumors, leukemia and nasopharyngeal (nose and throat) tumors in children.

Because of these health risks, we need to be able to get to the root of the problem to fix these issues, and I believe AB 796 is a significant step in the right direction.

Under the bill, DATCP would be required to work with the College of Agriculture and Life Sciences (CALS) at the University of Wisconsin-Madison, the Center for Watershed Science and Education (CWSE) at the University of Wisconsin-Stevens Point and UW-Extension to monitor the implemented projects and use the data to further study nitrogen loading reduction methods and improve nutrient management planning.

One of the main issues we've been finding with nutrient management planning is they were originally designed to promote the efficient use of nutrients while, at the same time, minimizing

nutrient loss and maximizing profitability. Furthermore, these plans have also typically focused on phosphorous losses to surface water and have barely paid any attention to nitrogen losses to groundwater.

After the different agencies are able to conduct ample research on the pilot program, a report will be presented to the state Legislature that will provide recommendations on ways to improve nutrient management plans and the state's cost-share system. The report must also give an assessment of the cost-effectiveness of different nitrogen reduction methods and of the feasibility of a permanent nitrogen optimization grant program.

I formed a nitrate work group at the beginning of 2019 and we have spent the last year coming up with science-based solutions on how to address the high amount of nitrates in some of our state's water. I know many of the group's members are looking forward to lending their expertise in determining which areas of the state we should target for the pilot program and what practices we should use.

AB 796 would provide \$1 million in grant funding in fiscal year 2020-21 and the individual grants to farmers or producer-led watershed groups in targeted areas would not be able to exceed \$50,000.

Before being awarded a grant, all applicants would have to work with DATCP and CALS to determine which practices and approaches should be implemented to generate the most optimal results. No more than 20 percent of each individual grant could be used for research expenses.

I would like to thank you for taking the time to listen to my testimony and I hope you consider supporting AB 796. I would also like to thank my co-authors and the members of the water quality task force for all the hard work they put in to this bill. I would be happy to answer any questions if you have them.



STATE REPRESENTATIVE
Katrina Shankland

71st ASSEMBLY DISTRICT

Testimony in Support of Assembly Bill 796
Assembly Committee on Agriculture
February 4, 2020

Chair Tauchen, Vice-Chair Novak, and members of the committee, I appreciate the opportunity to testify in support of Assembly Bill 796, legislation to create a nitrogen optimization pilot program for farmers and producer-led watershed groups in targeted areas. This bill is an innovative and thoughtful solution to a pressing problem: nitrate contamination.

As the Speaker's Task Force traveled all around the state, we heard from people at every single hearing about how SnapPlus and nutrient management plans need be updated to be more cognizant of groundwater quality. We also heard from farmers who testified at every hearing about their conservation practices and strong interest in partnering on any new strategies to protect water quality. The Nitrate Work Group, led by Rep. Kitchens, also facilitated important conversations with legislators, conservation groups, scientists, producers, and growers throughout the last year about how we can work collaboratively to reduce the widespread nitrate contamination throughout the state.

Nutrient management plans were designed with a primarily agronomic focus to promote the efficient use of nutrients and maximize yield and profitability. While reducing nutrient loss and loading is part of the process, nutrient management plans have mostly focused on phosphorus rather than nitrogen-nitrate leaching into groundwater.

Assembly Bill 796 addresses this issue by creating a nitrogen optimization pilot program where the Department of Agriculture, Trade and Consumer Protection would award grants to farmers or producer-led watershed groups in targeted areas for implementing projects that reduce nitrogen loading and nitrate leaching. DATCP would be required to collaborate with the College of Agriculture and Life Sciences (CALS) at the University of Wisconsin-Madison, the Center for Watershed Science and Education (CWSE) at the University of Wisconsin-Stevens Point, and UW-Extension to monitor these projects. They would use the data to continue studying the most effective methods to reduce nitrate contamination and improve the process by which farmers create and implement nutrient management plans. The bill provides \$1 million in grant funding to provide grants of up to \$50,000. Before being awarded a grant, all applicants would have to work with DATCP and CALS to determine which practices and approaches should be implemented to generate optimal results.

This bill creates a new incentive program for farmers to work on creative and innovative nitrate reduction strategies. The goal of the program is to find the most effective and successful methods of reducing excess nitrogen application while helping farmers maintain farm resiliency and profitability. It requires that the researchers and agencies involved report back to the legislature on the efficacy of various strategies, including assessing the cost-effectiveness of various nitrogen reduction and optimization methods, as well as the feasibility of implementing a permanent nitrogen optimization grant program in the state. The bill also requires that the researchers and agencies provide recommendations on ways to improve nutrient management plans, SnapPlus, and the state's cost-share system, spurring a much-needed conversation with the legislature on ways we can work together to support farm sustainability, profitability, and resiliency.

The Groundwater Coordinating Council estimates that it could take up to \$440 million to remediate every nitrate-contaminated well in Wisconsin. We owe it to Wisconsin residents and farmers to help improve the way we practice nutrient management planning, prevent future nitrate contamination, and ensure everyone has access to clean drinking water. This bill provides a strategic, forward-looking investment in water quality and agriculture. It enjoys broad bipartisan support from members of the Water Quality Task Force and our legislative colleagues, and I encourage the members of this committee to support and prioritize it to ensure that the bill continues to move forward through the legislature this session. Thank you for your consideration, and I welcome any questions you may have.

Testimony on 2019 Assembly Bill 796

Senator Robert Cowles
Assembly Committee on Agriculture – February 4, 2020

Thank you, Chairman Tauchen and Committee Members, for allowing me to testify on 2019 Assembly Bill 796. This bill would create a much-needed Nitrate Optimization Pilot Program.

Wisconsin has shown a need to address the sources of nitrate pollution in our waters which is already a serious problem for many households and the scope of this issue continues to grow around the state. While water treatment or well replacement can be effective short-term fixes to provide clean drinking water, nitrate pollution remains one of the most pervasive contaminants of Wisconsin's groundwater, and the problem shows no signs of slowing.

Overtime, we've learned that an over-application of nitrates through the land-spreading of nitrogen-rich fertilizer, manure, and biosolids and liquids can impact groundwater, especially in areas with low soil depths, shallow aquifers, and porous and permeable bedrock. Unfortunately, these sensitive resource areas make up a large portion of our state's best agricultural land.

2019 Bill 796 creates a revolutionary new pilot project to tackle the problem of nitrate contamination by working directly with some of the stewards who know our land and water best: Wisconsin's farmers. Under this program, the Department of Agriculture, Trade and Consumer Protection (DATCP) would award grants to farmers or producer-led watershed groups to implement a project for at least two-growing seasons with the ultimate goal to reduce nitrate contamination and improve water quality. Under this program, we're not just looking for tried and true methods that have shown to be somewhat effective; we're looking for new and innovative ways that can be more effective, don't harm yields, and work in the soil and bedrock types where our farmers are truly located.

The legislation provides \$1 million with individual grants not exceeding \$50,000 to assist with the implementation, practice, and research of the project. The farmer or group of farmers will also partner with DATCP and the UW-System, which is provided up to 20% of each grant to monitor and study the effectiveness of each project.

While the farmers and Wisconsin well owners will certainly be the main beneficiaries of this program, they're not the only ones. DATCP, who will collaborate with the College of Agriculture and Life Sciences (CAL S) at the University of Wisconsin-Madison, the Center for Watershed Science and Education (CWSE) at the University of Wisconsin-Stevens Point, and UW-Extension to monitor these projects, will gain tremendously and can use this data to further study nitrogen loading reduction methods and improve nutrient management planning. This information will lead to smarter technical assistance, agricultural planning, and regulatory implementation for decades to come.

Assembly Bill 796 has also has a technical change incorporated by Assembly Amendment 1 to clarify that the UW-System is eligible for up to 20% of the total grant award for their share in the process.

Originally, nutrient management planning (NMP) was designed to promote the efficient use of fertilizer and improve yields. While crop yields around the state have improved through the years, adoption and adherence to NMPs have not necessarily kept pace. Estimates put the total cropland in Wisconsin complying with an NMP between 15%-37%. Assembly Bill 796 would provide grant funding to unique projects around the state that reduce nitrogen loading or optimizes the use of nitrogen while also protecting water quality. In the process, we can create better NMPs and promote smarter compliance with those NMPs.

After the projects and research have concluded, DATCP will prepare and submit a report to the Legislature which provides recommendations on ways to cost-effectively implement their findings into Nutrient Management Plans (NMPs) and Wisconsin's cost-share system. In short, by passing the Nitrate Optimization Pilot Project, we have an opportunity to be on the cutting-edge of new ways to advance our state's water quality, maintain or increase crop yields, and promote smarter agricultural planning in a more efficient and optimized manner.



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection

February 4, 2020

Re: AB 796: creating a pilot grant program for farmers to reduce nitrate loading

Chairman Tauchen and members of the Assembly Committee on Agriculture. Thank you for the opportunity to provide information about AB 796 related to a pilot grant program for farmers to reduce nitrate loading. My name is Sara Walling, and I am the Administrator of the Division of Agricultural Resource Management at the Department of Agriculture, Trade and Consumer Protection. I will describe the work the department does with regards to nutrient management planning, and how AB 796 might impact those efforts.

Background:

DATCP and Department of Natural Resources (DNR) coordinate in efforts to improve agricultural water quality impacts through complementary programs – DNR sets the performance standards for water quality, while DATCP sets the technical standards. Another way to describe this is that DNR sets the regulatory goals for waterbodies, and regulates the dischargers that have the potential to pollute. When it comes to agriculture, DATCP is charged with translating these goals into technical standards by determining the practices that best help farmers meet the regulatory standards set by DNR. The practices that make up these technical standards must be demonstrated to meet the regulatory goals, while also being achievable by our agricultural producers. These same regulatory goals and technical standards serve as the basis for the annual joint allocation plan. This collaboration between DATCP's soil and water resource management program and the DNR provides grants to counties and farmers for projects that address, or prevent nonpoint source water pollution through conservation practice implementation, county land conservation staff, rural targeted runoff management grants, notice of discharge grants, and nutrient management tool development, planning and education.

Comments on the bill:

If enacted, this bill would require DATCP to administer a pilot grant program for farmers who voluntarily initiate a project that identifies and implements practices necessary to reduce nitrate loading on their farms. For example, grants would help farmers offset costs of using nitrogen inhibitors, cover crops, and split applications of nitrogen. Grant monies could also be used to offset any short-term reductions in crop yield that may be triggered by implementing these BMPs or adjusting their crop rotations to ones that require less nitrogen inputs. This bill also requires each participating farmer to work with CALS, Extension, or UW Stevens Point to conduct research on these pilot programs and assess the efficacy of best practices at reducing nitrate loading to groundwater.

In administering this new grant program, DATCP would collaborate with partners to identify and award funding to projects in different parts of the state that have different soil types, or geologic characteristics and make awards to farmer participants up to \$50,000 and also provide a portion of the funding to each collaborating university entity to conduct the associated research components of this program. The bill provides \$1 million annually for this purpose.

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In addition to supporting innovative and effective nitrate loading best management practice implementation, DATCP believes the projects and practices conducted through this grant program can provide the powerful scientific information to support the technical standards in any future amendments of ATCP 50, DATCP's soil and water conservation practice rule that may be required following DNR development of nitrogen groundwater standards. This data will also help DATCP to identify and justify cost-sharable practices farmers can use to reduce nitrate loading to the waters of the state – some of which may be needed for farmers to comply with future targeted performance standards developed by the DNR. The ability for DATCP to work closely with our partners and monitor the progress and outcomes of this program will be imperative for future, successful and effective nitrogen management practices and cost-share incentives to become a reality.

Throughout the Water Quality Task Force hearings, we heard several consistent messages about the important role that agriculture plays in the future of Wisconsin's water resources, and DATCP stands ready provide farmers with the resources they need to meet that challenge. We are evaluating our opportunities to grow our expertise in alternative farming practices, emerging technologies to promote yields from lower nutrient inputs, and innovative cropping systems. With current staffing levels, DATCP will be challenged to find the staffing resources to dedicate to ensuring the long-term success of this program, and provide the invaluable technical support and expertise to assist our farmers in implementing the practices identified by this effort. However, given the priority of this program to DATCP's goals of serving farmers while helping to meet water quality goals, we accept that this proposed grant program would support our goals in a number of ways. We do, however, look forward to talking to you more about our vision for further developing this expertise and expanding the technical resources we offer to our agricultural community.

Thank you for the opportunity to provide information on AB 796 as it is currently written. I would be happy to answer any questions committee members may have.



WISCONSIN
UNIVERSITY OF WISCONSIN-MADISON

Assembly Committee on Agriculture
2019 Assembly Bill 796
Creating a Nitrate Reduction Pilot Grant Program
February 4, 2020

Good morning Chairman Tauchen and members of the Assembly Committee on Agriculture. My name Carrie Laboski and I am a Professor in the Department of Soil Science which is part of the College of Agricultural and Life Sciences (CAL S) at University of Wisconsin-Madison. My research and extension education program are related to nutrient management including nitrogen use efficiency from fertilizer and animal manure, evaluation of soil plant diagnostic tests, and development of tools to assist producers, ag professionals, and regulatory agencies in making decisions that help sustain economically and environmentally sound production of grain and forage crops in Wisconsin.

Thank you for the opportunity to testify for informational purposes today on Assembly Bill 796 (AB 796), which creates a pilot grant program for farmers to reduce nitrate loading to groundwater.

I applaud the legislature's interest in working towards improving water quality in Wisconsin. I also appreciate all the work that every member of the Speaker's Task Force on Water Quality and all the interested stakeholder groups have done on these issues.

With that said, I do have some feedback that I feel obligated to share with you about the language of AB 796. First, there are four basic principles to sound nutrient management planning. These principles are referred to as the "4Rs" and include applying the "Right rate", at the "Right time", using the "Right source", and in the "Right place". The "4Rs" are inextricably linked. The bill, as currently written, focuses heavily on rate, but does not seem to take into account timing, source, and placement. It is important to evaluate and understand the crop production system as a whole in order to come to the most accurate conclusions that will hopefully improve water quality in the long-term.

Second, weather greatly influences nitrogen cycling in the soil as well as crop growth. A two-year time frame is likely too short to adequately evaluate the pilot program's impact on water

quality. What if the two growing seasons included a drought year, like 2012, or an extremely wet and cool year, like 2019? A minimum of five years, and preferably ten years, will be needed to more adequately characterize these complex systems and develop/refine decision making tools for producers.

Third, the bill requires the University of Wisconsin-Madison and other “eligible university entities” to monitor grant projects on-site and use information gathered to research nitrate loading reduction methods and make recommendations to producers on optimal nitrogen usage while improving water quality. This objective is a large undertaking that would not be able to be completed in a meaningful way on piecemeal funding from multiple projects totaling at most \$200,000. Dedicated, long-term research funding, in conjunction with on-farm participatory research and demonstration of research proven practices are needed to begin to solve this wicked problem.

I have found that producers are more willing to make changes to their crop production practices if they participate or see a neighbor’s participation in on-farm research or demonstration of research-proven practices. To that end, with consideration for my previous feedback, I feel the overall concept of this bill is a step in the right direction for improving water quality, especially when coupled with robust research to better understand our agroecosystems.

I, again, appreciate the bill authors’ work in recognizing the need to invest in long-term water quality improvement practices. Thank you for your time and for allowing me to testify on this important topic. At this time, I would be happy to try to answer any questions you may have.



Testimony of Margaret Krome, MFAI Policy Director

Wisconsin Assembly Committee on Agriculture Hearing February 4, 2020

The Michael Fields Agricultural Institute (MFAI) is a non-profit organization focused on advancing sustainable agriculture on a state and federal level. Founded in 1984 in East Troy, Wisconsin, it is our mission to nurture the ecological, social and economic resilience of food and farming systems through education, research, policy, and market development. We work closely with beginning, and experienced farmers across the state and nation.

The Institute has a long history of working on nutrient management issues, including collaborating with UW-Madison and USDA researchers on a 20+ trial on farming systems, leading cover crops research for many years, convening several statewide meetings on “Rethinking Nutrient Management” from 2011 into 2015 and, more recently, serving as Collaborator for the Uplands Farmer Led Watershed Group in SW Wisconsin.

We want to congratulate the Assembly Speakers Task Force on Water Quality for its leaders’ dedication to listening to farmers and other stakeholders and bringing forward a bipartisan-led package of proposals. The Institute is here today to speak in favor of several of those proposals:

AB-790 - Increasing funding for County Conservation Staffing Grants – The Uplands watershed group’s close collaboration with Iowa County’s Conservationist and her office is a perfect example of the essential role that county conservation staff plays. Without the boots on the ground, farmers’ ability to develop and implement conservation plans is severely compromised.

AB-795 – We support each of the following provisions:

- Creating a Grazing Coordinator at DATCP – The demonstrated value to water quality of the continuous living cover provided by managed grazing systems, the ability of rotationally managed grass-based systems to mediate water infiltration and flow, the relative ease of entry into farming provided by this system of livestock and dairy farming, and the potential for value-added markets and products make it a high priority for significant state investment.
- Funding for Producer-Led Watershed Protection Grants - Demand is growing rapidly statewide for this demonstrably effective outreach and information exchange mechanism on issues associated with water quality.
- Crop Insurance Premium Rebates for Cover Crops (please see handout) MFAI also recognizes the need to increase the staffing at DATCP to support this program.

AB-796: creating a pilot grant program for farmers to reduce nitrate loading, funding research for nitrate loading reduction methods.

For more information, please contact Margaret Krome, Policy Program Director at Michael Fields Agricultural Institute (608) 628-2503 mkrome@michaelfields.org

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I am a first-generation dairyman.

A label that once embarrassed me, now gives me pride and purpose given that the barriers to farm ownership have never been higher or the risks greater.

How does a 28-year-old buy a farm and start a family?

For me, the answer was holistic grazing!

Agriculture is at a crossroads and we need to choose a path that will revitalize our rural communities and regenerate the land that we call home. I strongly believe that holistic grazing should have a role in addressing the challenges at hand.

I have no desire to demonize other farmers. After all, they are my friends and neighbors. I want to see them thrive because without them the infrastructure goes too.

But I also realize that the "high production confinement dairy model" is a race to the bottom. We've been led to believe that production is profit and get big or get out is the only way.

I'd like to offer up my own experience to serve as an alternative.

Out of college, I yearned to farm but working with my uncle on his cattle ranch was not a viable option. So, I went looking for a Herdsman job and managed a confinement dairy in California. The dairy had to operate like clockwork, or the three-time-a-day milking could easily be thrown out of whack. Mixing feed, managing manure, dealing with high producing cows around the clock made me realize that I was a fish out of water and grazing had always been my sweetheart.

I remember asking the dairy's owner if we could devise some sort of equity building scheme. He abruptly said no way, and I went home that night vowing to find a way to achieve my goal. Several months later, I got lucky and found a very successful grazing dairy and cheese company in need of a manager who could eventually buy them out. After 4 years of profit sharing my business partner (A Cheese Legend) and I bought them out in 2014 with a loan package that gave our banker a few gray hairs.

I'd be lying if I said I never looked back, because I do. Yet, when the dust settles, I realize how amazing it is to raise my kids on a Wisconsin dairy farm.

For me, Holistic Grazing checks all the boxes:

- Enjoyable and conducive to family life
- Climate smart farming through carbon sequestration
- Reduces soil erosion and eutrophication of water ways
- Reduces the risks of ground water contamination
- Meets consumer demands and trends
- Is profitable and yields a strong balance sheet
- Adds to the local economy and promotes Wisconsin Agriculture

It is cheaper to fund regenerative agriculture than it is to undo the effects of low margin/high input systems on our communities and environment. We deserve a seat at the table. To disregard what regenerative agriculture has to offer is a tremendous mistake. Now is our chance to build a better future for all farmers.

A small step forward is to appropriate funds that encourage growth of regenerative agriculture. From fully funding county extension agents to a grazing specialist with DATCP, we can give farmers the resources to branch out without losing their shirts. In my own experiences working with my county extension agent, I've found counsel without a sales pitch. He has helped me develop grazing plans that make my business more viable. Therefore I support AB 790, AB 795, and AB 796.

February 4/5th, 2020

Rachel Bouressa
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RE: Public Hearing - IN SUPPORT OF:

AB 790/SB 723: Increasing funding for County Conservation staffing grants.

AB 795/SB 715 : Creating a grazing coordinator position, funding for producer-led watershed protection grants, soil and water conservation, and crop insurance premium rebates for cover crops.

AB 796/SB 718: Creating a pilot grant program for farmers to reduce nitrate loading and funding research for nitrate loading reduction methods.

I am sharing my voice and story to encourage support for the above-listed bills. Managed grazing saved my farm family, and is the most economically and environmentally viable agricultural system to produce quality meat and dairy products in our state. I am a 5th generation farmer in the central part of the state. My family farm was a conventional dairy farm (planting corn, beans, hay). During the late 1980's - 1990's when dairy prices dropped significantly, my parents began milking 3 times a day, trying to squeeze every ounce of milk from their herd. My dad tweaked rations and took a seed sales route. They could not work hard enough to make ends meet. It was a tough time. Then they heard about managed grazing and were desperate and curious enough to attend a grazing conference. It changed our family's farm story.

The evidence for the many benefits of managed grazing exists, but there needs to be an advocate at the state level. There was a state Grazing Coordinator in the late 1990's that greatly helped advance research, marketing, networks, and partnerships within Wisconsin's agriculture and conservation groups. I ask that this position is reinstated to enhance Wisconsin's rich agricultural landscape and save other multi-generation farms and family stories.

County Conservation staff and programs are crucial to provide the technical assistance and support to new farmers looking to start grazing and those looking to transition. Additionally, I approached my county to inquire about starting a farmer-led watershed group. I was told that they lacked the resources to support my efforts in our area. Much of our neighborhood is in land managed by a local CAFO. The most recent water test resulted in a nitrate level of 22.3mg/L

(10mg/L is the state health standard). Many of us also got flu-like symptoms after the last manure application this fall.

I speak as a beef farmer and advocate for my neighbors and community. I raise beef cattle on the same pastures as my parents because I believe farming and being a steward of the land is a valuable way of life. I will be a life-long advocate for managed grazing. Without quality waterways to enjoy and a vibrant and diverse agricultural community, Wisconsin loses so much of what makes it wonderful.

Much appreciation,

Rachel Bouressa

Beef farmer

Member: Wisconsin Farmer's Union, Waupaca County Farm Bureau, FSA County Committee, GrassWorks