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The Honorable Rod Nilsestuen
Secretary, WI Department of Agriculture,
Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911

Dear Secretary Nilsestuen:

I am writing regarding the current version of ATCP 51, the administrative rule which relates to the large livestock facility siting and expansion law. I would like to commend you and your staff for addressing this difficult and important issue and doing so in an extremely expedient and professional manner. As you are well aware, the agriculture industry is the cornerstone of Wisconsin's economy and actions to respond to today's changing production environment are essential if agriculture is to be part of our state's fabric in future generations. To this end, our Legislature and Governor have enacted legislation to ensure all types and sizes of agricultural operations can co-exist while balancing Wisconsin's long and proud tradition of local control. As was intended by the authors of the legislation and has been revealed by the specific words of the statute and proposed rule, the large livestock facility siting/expansion law and ATCP 51 preserve local control by maintaining local government's authority to create land use plans and further implement such plans through zoning. At the same time, ATCP 51 is intended to detail specifics of state law by providing the livestock industry with fair parameters within which to work.

The Advisory Committee which you assembled to work on this issue has made great strides to balance local control with the needs of the industry to grow and prosper in Wisconsin. While the current version of ATCP 51 finds this balance, we respectfully request that you consider modifying the rule prior to its permanent implementation.

- 1) Odor indexing: WCA feels strongly that odor must be a state standard in this rule package. If odor is not part of the permanent rule, we fear that the opportunity for a compromise to permit livestock operations to exist in our state will be lost and the issues which precipitated our current efforts will grow exponentially. Local units of government have been willing to work on a reasonable solution to this issue and determined that the trigger for expansions to which odor indexing should apply should be no more than 1,000 animal units to ensure effective implementation.

The good neighbor clause in the rule will allow for additional flexibility for local units of government and the industry thereby providing an added level of discretion.

