

To: Land and Water
Re: Meeting on January 17, 2024, 8:30a.m.

From: Janet Foust
410 East Lake Street
Lake Mills, Wi 53551

I am unable to attend the meeting in person or on zoom, but I want my comments to go on record, my voice to be heard.

Here are a few of my comments briefly over the past few years regarding my involvement at the county level.

On October 6, 2021 I wrote a letter to Caitlin, then the Solid Waste (and Air Quality) Committee Chair:

Finally, a county committee is listening and concerned about the air we are breathing living across from a CAFO, a concentrated animal feeding operation. Jefferson County alone has 10 permitted CAFOs with the possibility of more in the near future. Ixonia is not the only city in the county feeling the impact the noxious air from the CAFO has on the neighbors, I am sure.

We welcome future discussion regarding the air quality in Jefferson County and would be glad to weigh in and help steer the conversation. Also, if anyone would like to come out and visit for a few hours to see what we are experiencing living across the field from a CAFO, we would be glad to have you!

March 7, 2023 Solid Waste (And Air Quality)

I am disappointed, frustrated, and angry as well.

I am a taxpayer in Jefferson County. I vote for county board members hoping they will bring the issues I have to the forefront for discussion. I try to educate board members, committee members including the

Solid Waste Committee members, with information I have researched or gained from credible people.



- Henry Ford -

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I do not understand why citizens are not allowed to participate in decision making. I do not understand why elected officials and staff members do not think it is important enough even to acknowledge an email they have received whether they have had time to read the information yet or not. I do not understand why using citizens with backgrounds in the environment, large scale agriculture impacts, the medical profession, legal administration, etc. to help form policy for the sake of healthier county living conditions is not being done.

June 7, 2022



June 7, 2022 Message to the Solid Waste Committee as follows:

At past Solid Waste Committee meetings, we have voiced concerns over the toxic odors from CAFOs, Concentrated Animal Feeding Operations. Today I want to further explain why it is important to look more closely at the air, the particulate matter in the air, the VOCs or volatile organic compounds that, yes, come from these industrial agriculture operations. These particulates are in the air we are breathing. The neighbors closest to factory farms as well as those who live by waterways, the land the particulates have traveled to, etc. are effected by these VOCs. Air does not have a physical boundary. The particulate matter in the air does not have boundaries either. Science Direct has quoted the

definition from the EPA of a VOC, the volatile organic compound. It is defined as “any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participate in atmospheric photochemical reactions. These VOCs when combined with nitrogen oxides react to form ground-level ozone”. They can also cause “irritation to skin and eyes, sensitization, central nervous system effects, carcinogenicity, and liver and kidney effects both in animals and humans.” I know that a few years ago the Solid Waste Committee was called Solid Waste and Air Quality specifically for ozone concerns. Might it not be time to revisit the Air Quality division of the committee? In a study by the EGU, European Geosciences Union, April 2017, titled “Emissions of volatile organic compounds (VOCs) from concentrated animal feeding operations (CAFOs): chemical compositions and separation of sources” the following was determined: *CAFOs emit a large number of volatile organic compounds to the atmosphere including ammonia and methane gas found in animal exhalation and waste, as well as VOCs found in feed and storage handling.” The California Air Resources Board has defined particulate matter as that with a diameter of 10 microns or less (PM10) or fine particulate matter as PM 2.5. These VOCs are inhalable into the lungs and can cause adverse health effects. Particulate matter best enters the system through mucus membranes. Yes, just by breathing, they can enter your body. Children are the most effected by the VOCs as they breathe more rapidly and can take in more particulate matter. They can not detoxify the body as quickly and easily as adults can. The elderly population also has greater risk. So, what is happening to my lungs when the wind is blowing over the manure lagoons straight to our backyard? What is happening over time to the people whose houses butt up against the 4.4 acres of manure lagoons and cannot escape the particulate matter that drifts by their homes 24/7? This particulate matter, the little tiny particles in the air, has been shown to affect the climate as well as ecosystems. The WHO, World Health Organization, has new air quality guidelines - “air pollution is one of the biggest threats to human health alongside climate change”. This earth is not just mine, not just the factory farm owners, but all of ours to share, to borrow. The air we breathe is shared by all of us also. We need to work together to find ways to create breathable air, safe air, for all of us! In the past, it was brought forth that the Solid Waste staff as well as the DNR and the community could get together to work on this problem. According to Caitlin McAleavey, the issue was addressed internally and did not go anywhere after that. I do not believe the DNR was not included in the discussion either. Again, this meeting is important for not only the citizens of Jefferson County who live near the 10 CAFOs, but for all citizens. Adam Voskuil from Midwest Environmental Advocates, has worked with industrial agriculture and their impacts on citizens throughout the state. He said he would be willing to share ways to work with the regulations already in place to create change, better air monitoring and regulations. I would like to have a seat at the table as a citizen

who has been impacted by the proximity our home is to the CAFO. As the students at Madison West's IPOS, In Pursuit of Sunshine, group stated so well "Change cannot occur unless those impacted by a situation are included in the conversation." Our children are the voices we need to listen to now more than ever. Let's put together a group to do just that...create change with our children.

Joint Committee Meeting on Monday, January 30, 2023.

My comments to the committee were as follows in part:

For so long, Jefferson County citizens have been wanting our voices to be heard. It is with gratitude to the staff and the county board for bringing the impacts of industrial agriculture to the forefront of this discussion and, hopefully, many more to follow. I read the 200+ pages of suggested reading. Although this was a good start, I know there is a long way to go before things are implemented at the county level. My main concerns are the following:

1. Citizens' voices to be heard - After attending Board of Health meetings, Solid Waste and Air Quality meetings, Planning and Zoning meetings over the years, I still feel like I do not, as a citizen, have a seat at the table. Why not? There are others who are currently on the county board with a wealth of information about industrial agriculture who did not have a direct voice in the decision making either. Why not? MEA, Midwest Environmental Advocates, with attorney Adam Voskuil has said he would be more than happy to help the county with rules and regulations and try to work with the committees to create rules, regulations, new policy suggestions...and think outside the box. Would it not be wise to use those people, citizens included, with existing knowledge rather than try to reinvent the wheel so to speak?

2.Communication and transparency - Regulations are good, but they are only effective if there are staff members in place who are willing to enforce them. With the county relying on CAFO owners to report honestly what they document, is this the best way to report as there have been non-compliance issues that have occurred because a staff member found that the record keeping was not accurate?. Take manure complaints, for example. Why is the suggestion to only record them twice a year? Not only does oversight need to be built in to whatever is done, but coordination between LWCD, the DNR, and others needs to be in place as well as a connection that citizens can easily access to report or to see spills and violations near where they live.

3.Health issues - There are concerns that need to be focused on with greater importance than they have in the past. . Many air and water studies have shown that there are pathogens in cow manure, in cow burps, that are not monitored and have shown serious health conditions. One step the county can take in safeguarding our health is to put forth a "spray irrigation" ordinance. Ixonia has one. How difficult would it be to put one in place and do a bit of prevention rather than try to do remediation? The first is far more cost effective than the latter. Please share the following link as it illustrates what happens when we do not consider the impacts of industrial agriculture on our neighbors.

I have passed along this from Nancy Utesch, Kewaunee County, a knowledgeable human living with issues created by CAFOs. In case you did not

read it, here is the accumulated information she shared regarding aerial spraying:

-In the practice of spray irrigation of manure, aerosolized lagoon waste is reduced into smaller particulate droplets, which are easily ingested and inhaled by humans and animals.

-Manure has over 160 different known pathogens, viruses and bacteria, and includes barn cleaners and their chemical make-up, antibiotics, hormones and may contain municipal and/or industrial wastes.

-All lagoon wastes should be incorporated into the ground immediately to diminish the risks from these wastes, and the pathogens and diseases they may contain.

-Becky Larson of UW Madison stated, “that transmission of pathogens through airborne routes is unknown and controversial”.

Becky also stated that several meteorological factors complicate the practice of spray irrigation of manure including wind, humidity, temperature, and precipitation.

-Mark Borchardt USDA-ARS Institute for the Environmentally Integrated Dairy Management Study revealed that the “bulk of pathogens reside in the liquid portion of manure”, the portion that would be spray irrigated.

Borchardt also stated that there are three forms of transmission of pathogens: Fomites, which are solid surfaces; and through our water and our food. These are three areas of great concern and run the risk of contamination from this practice due to the reality of drift.

-All parties seem to be in agreement that there is just too much that we simply “don’t know” about this practice and more research must be done addressing the potential health and environmental risks associated with the practice of spray irrigating manure.

-Spray irrigation of manure will expose citizens to heightened ammonias and hydrogen sulfide fumes and stench that could continue for the duration of 10 continuous hours, a day, at a time. We also fear that the industry will use this form of disposal for as many as eight months out of the year, if weather cooperates, and will extend our spreading season, and in turn, our exposure.

-Uninformed citizens and individuals in the spray vicinity risk exposure unknowingly by simply being outdoors and doing normal, recreational activities.

-DATCP has extolled the virtues of “spoon-feeding crops”, less “road traffic and damages”, and “less soil compaction”, with this practice.

DATCP also wanted to call this type of application of manure, “Precision application of ‘nutrients’”. This terminology was discussed by the state manure workgroup where it was stated

that there is “absolutely nothing precision about this practice, and that it should not be called precision anything”.

Precision, as described in the dictionary states: precise; definite-exactness; correctness of arrangement or adjustment. This is not, nor can this practice be applied with unequivocal precision. It is impossible even under the best of controlled conditions.

-Fugitive emissions, emissions that cannot be captured or controlled, are one of the greatest threats for this form of manure disposal.

The DNR has stated, “Measurable drift will be defined as feeling droplets hit ones skin or visually seeing droplets on a pick-up truck windshield”. [Permit language in DNR documents May 2013].

-Devastated residents living near operations that are currently doing this practice have written letters and spoken publicly, revealing the problems posed by this practice, which include residues, stench, flies, plunging home values, and over-all diminishing quality of life issues.

-More research has come out on superbugs, antibiotic resistant diseases, and pathogens such as MRSA , which travels through air-borne routes. More and more studies are being revealed indicating air as a transport for many diseases.

-Children, the elderly, immune-suppressed individuals, asthma and COPD patients will be greatly affected including persons with pulmonary/heart issues. Children will be tremendously impacted as they have a greater number of rapid respirations per minute than adults, and tend to mouth breathe. They would have the greatest exposure due to their size and inability to detoxify as readily as an adult. These youngest and most vulnerable citizens represent our future and deserve our FULL protection.

-Crops as tall as 8 feet high would be considered for the practice of spray irrigation of manure increasing drift possibilities and increased exposure possibilities to residents.

-This is not a widely accepted practice in our state of Wisconsin, with only 10 farms currently using spray irrigation of manure. In other states, such as North Carolina, a ban currently prohibits any new permits on this practice.

-Research needs to be professional. State of the art weather stations and other professional means must be used in all aspects of research. These demands must be made and adhered to, and must be on site at the farm locale.

-Safeguards for the citizenry and environment must be paramount. Wisconsin Administrative Code 214.21 pertaining to permanent in-ground monitoring systems must be kept in place unconditionally.

Wisconsin Administrative Code, 214.14, requiring a separation of five feet from groundwater and bedrock under spray irrigation systems must also be upheld unconditionally, without any discussions to reduce this distancing.

- Maximum wind speeds must be set, with automatic shut-offs when those speeds are obtained.

- There should be computer monitoring of all mechanical systems, to reduce risks due to mechanical failure.

- Please reread Wisconsin state toxicologist Robert Thiboldeaux's Memo from February 17, 2011, relating to "Public Health Setbacks for manure spray irrigation". <http://datcp.wi.gov/uploads/About/pdf/DHSMemo.pdf>

- Drift is a reality. Currently in Wisconsin grape growers are suffering the results, and loss of grapes, and profits, due to the drift of herbicides. Lawsuits are ensuing in response to this problem. Drift, when it leaves one property is trespassing on another landowner's rights. This article ran in the Green Bay Gazette, business section on 9-21-2013 .

- Current set backs from homes is 500 feet. These setbacks can be reduced to 250 feet, with landowner permission.

- There are no current setbacks for roadway areas or property lines.

- There is no differentiating between different irrigation equipment, and its effects on drift.

- Air emissions are not taken into consideration and are not regulated at all. Research shows heightened emissions with this form of manure disposal.

- Permits are currently not written with standards that guarantee enforcement.

- Health Departments, such as the Kewaunee Health Department, state, "At this time, the local health department will be looking to the Wisconsin Department of Natural Resources for guidance on the use of spray irrigation" of manure. [April 8, 2013]

After reading the handouts for the meeting tomorrow, I am still so very concerned and, yes, angry. Focusing on agenda item 10, for example, I feel the sampling to develop the thoughts on aerial spraying are lop-sided. How can inviting 4 of the 5 committee members from large CAFOs be indicative of what the citizens or the small farmers want? What else is

going on behind the scenes that we, as citizens are not allowed a voice in? Why aren't the elected representatives allowed to have more of a voice on issues that concern their constituents? Whether it is air quality, manure spreading, avian flu, I feel like no one wants tax paying citizens included in the decision making. This seems to be pervasive in Jefferson County and I do not understand why we cannot work together to figure out what is best for all citizens.....and focus on preserving what we do have for future generations!

Very Sincerely and With Concern for our collective future,

Janet Foust, MEd, widów, mom, caring about making a difference in the world around me

Purchase of Agricultural Conservation Easement (PACE) Interest List				Guesstimation of Easement Costs (Final costs based on: market values, number of splits, location of property, etc.)		
	Township	Approximate Acreage	Initial Contact	Potential Total Easement Cost (\$)	Potential Maximum Payment to Landowner (up to 75%) (\$)	Potential Maximum County Cost (up to 25%) (\$)
Landowner 1	Concord	99	2022	326,700 - 455,400	245,025 - 341,550	81,675 - 113,850
Landowner 2	Koshkonong	215	January 2023	709,500 - 989,000	532,125 - 741,750	177,375 - 247,250
Landowner 3	Jefferson	90	February 2023	297,000 - 414,000	222,750 - 310,500	74,250 - 103,500
Landowner 4	Koshkonong	205	March 2023	676,500 - 943,000	507,375 - 707,250	169,125 - 235,750
Landowner 5	Milford	75	April 2023	247,500 - 345,000	185,625 - 258,750	61,875 - 86,250
Landowner 6	Koshkonong	160	May 2023	528,000 - 736,000	396,000 - 552,000	132,000 - 184,000
Landowner 7	Concord	215	August 2023	709,500 - 989,000	532,125 - 741,750	177,375 - 247,250
Landowner 8	Oakland	192	November 2023	633,600 - 883,200	475,200 - 662,400	158,400 - 220,800
Landowner 9	Sumner	117	January 2024	386,100 - 538,200	289,575 - 403,650	96,525 - 134,500
Total		1,368		4,514,400 - 6,292,800	3,385,800 - 4,719,600	1,128,600 - 1,573,200

Note: Landowners are not yet ranked. Acreage is approximate because landowners haven't made final decisions on what will be included in an easement. Landowners must have at least 50% farmland to qualify.

Costs other than Easement Price - costs may change due to fee increases and property	
\$3,000	Appraisal
\$2,365	Title Search/Closing Cost (amount shown was costs of 2023 purchase)

Revenue	
\$750	LWCD fee charged to applicants.
50% easement	Natural Resources Conservation Service (NRCS) pays for 50% of total easement cost through a reimbursement to LWCD.
\$10,000	In 2023, American Farmland Trust provided \$10,000 to LWCD for PACE to cover costs including appraisal, title, and signage. This was a <u>one-time</u> payment.

Property Owner Costs and Benefits	
\$750	Application fee paid to LWCD
?	Costs for lawyer & tax advisor - LWCD advises property owners to consult a lawyer & tax advisor
?	Tax benefits for "donation" of foregoing at least 25% of easement cost