

DBA's Resource Center

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DBA Members Encouraged to Sign Up for myDairy

The Dairy Marketing Institute plans to tell the story of how dairy is good for people, good for the planet and good for communities. They have created Dairy Good, an effort to bring farmers, thought leaders, members of the dairy industry and consumers together to talk about where their food comes from. Visit dairygood.org to learn more about the consumer program.

DBA members are also encouraged to register for myDairy. This resource is used by 2,400 dairy farmers and industry communicators to stay current on everything from undercover videos and how to respond to them, to new dairy-friendly links you can use for your dairy's social media efforts. Go to mydairy.dairy.org to register.



Des Moines Water Works Lawsuit: Nitrate Facts for Farms



By Gary H. Baise

Farmers, start arming yourselves with the facts regarding nitrates. Right now agriculture is losing the battle on the issue of the impact of nitrates and their impact on the public.

For example, on May 1 the Des Moines Water Works advised Iowa citizens that it is "...tapping reserve storage wells to lower nitrate levels in the water it supplies to central Iowa customers." DMWW said it had readings of 14-16.25 parts per liter which translates to 14-16.25 parts per million (ppm) of nitrates in the water. Scary stuff!

A place to start in educating oneself is a paper entitled Nutrients in Iowa's Waters prepared by a former 30-year career retired environmental engineer at the Iowa Department of Natural Resources. He provides facts for Iowa farmers which are missing from the news media. The paper notes nitrates are found in vegetables, fruits, grains and cured meat.

DMWW is deeply concerned about 10 ppm daily intake, the EPA standard. The paper cites to a National Research Council 1995 report that gives a typical daily nitrate intake by person in the U.S. A person drinking low nitrate water of 5 ppm would intake approximately 146 milligrams per day on a non-vegetarian diet and surprisingly because of high nitrates in vegetables and fruits, the average vegetarian diet would be 268 milligrams per day. Another small fact ignored by the news media is that there are natural

formations of nitrates within the human body. The paper notes, "The 62 mg/day of endogenous (natural formation) nitrate is not surprising when you consider the roughly 15,000,000 milligrams of nitrogen in the air a person breathes daily."

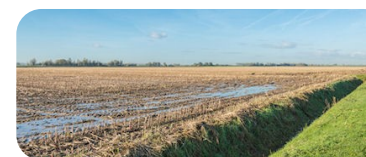
Much is made in the DMWW complaint about high levels of nitrate in water causing the "Blue Baby Syndrome" and other health defects.

The author writes "The National Research Council 1995 report stated that there had never been a death from blue baby syndrome in the United States attributed to drinking water with less than 50mg/l (50ppm) of nitrate...the report also states that blue baby syndrome can even result from endogenous synthesis (natural formation) in the body of nitrate, absent elevated nitrate in food or water."

The NRC also claims, according to the author, "Most cases of blue baby syndrome are attributed to infant formula mixed with nitrate-containing well water, food with high-nitrate content fed to infants, or infants who have diarrhea." So it would appear that the blue baby syndrome can also be attributed to nitrate in vegetables and the nitrite which is naturally formed in the body at higher levels because of infection.

Another fact that should interest Iowa farmers and farm organizations: In a 2011 World Health Organization document Nitrate and Nitrite in Drinking Water a guideline of 50 ppm for nitrate is recommended and it goes on to

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DBA's Resource Center May 2015 www.widba.com Ph: (920) 883-0020

13th Annual DBA Dairy Golf Classic

This year's DBA's Dairy Golf Classic will be held again at Fox Hills Resort in Mishicot, WI on Thursday, June 18, 2015.

One of Wisconsin's finest 36-hole golf facilities, Fox Hills Resort features two championship golf courses, and both will be used at the Dairy Classic!

AGENDA

10:00 a.m. Registration & Contests
11:00 a.m. Shotgun Start (Box Lunch Provided)
5:30 p.m. Dinner & Awards
7:00 p.m. Entertainment & Networking

Entertainment by:
"FBI & The Untouchable Horns"

LODGING

Contact Fox Hills Resort directly to make your reservations at 920-755-2376 or 1-800- 950-7615.

GOLFER ENTRY INFORMATION

Fee: \$175/golfer; \$700/foursome

Entry Fee includes:

- 18 holes of golf with access to cart and driving range
- Lunch and dinner
- Putting contest
- Refreshments on the course
- Participation in golf contests for men and women
- Drawings for prizes
- Evening networking

Non Golfer Package: \$75/person

Includes lunch, dinner, refreshments, door prize drawings, entertainment & networking.

REGISTRATION & SPONSORSHIP

Visit www.widba.com/events or contact Nicole Barlass at nbarlass@widba.com or call 920-980-3141

Online Registration Ends Friday, June 12, 2015!

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Co-ops Want Federal Orders for California

Earlier this year, California's three biggest cooperatives, California Dairies, Dairy Farmers of America, and Land O'Lakes, with backing from other dairy farmer groups such as Western United Dairymen and the statewide Milk Producers Council, petitioned USDA to create the nation's 11th federal marketing order. The groups had previously failed to convince the California Legislature that the existing state system needed to be fixed. California accounts for more than 20 percent of U.S. milk output, as raw milk at least \$7 billion a year. Eighty-five percent of that production is made into cheese, milk powder, butter and whey, and much of that is exported.

USDA, in response to the request, will hold three public meetings during May to discuss both the process of creating a federal order and the cooperatives' proposal. The meetings will also address alternative proposals put forth by opposing entities, including the Dairy

Institute of California, representing the state's dairy processors and the California Producer Handlers Association, representing private dairies that produce and process all of their own milk.

USDA may then decide to hold a formal hearing, perhaps late this year, on creating a marketing order. The proposals are posted on a USDA web page dedicated to the California dairy issue, and a neutral assessment of the coops proposal for a new federal order is available at <http://dairymarkets.org/PubPod/Pubs/IL15-01.pdf>



There is significant disagreement on whether federal law even allows USDA to set up a milk marketing order in California. The Dairy Institute says the co-ops lack a legal basis for their request because the purpose of the 1937 law authorizing such orders is to "establish and maintain . . . orderly marketing conditions for any agricultural commodity and that

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say that water containing up to 100 mg/l or 100 ppm may be used for bottle-fed infants. (And Des Moines and EPA want a level of 10 ppm to protect infants?) The paper even takes on the allegation that there may be a connection between nitrate and cancer. Again, quoting the NRC 1995 report, "...there is no evidence that nitrate itself is a carcinogen."

EPA, on the other hand, says in its summary of Nitrates and Nitrites published in 2007, that "Exposure to higher levels of nitrates or nitrites have been associated with an increased incidence of cancer in adults, and possible increased incidents of brain tumors, leukemia, and nose and throat tumors in children in some studies...". EPA does say it has concluded "...there was conflicting evidence in the literature as to whether exposures to nitrates or nitrites are associated with cancer in adults and in children." EPA cites itself for this conflicting evidence.

The author has a section on Iowa citizens' belief that their drinking water problems are "...predominately caused by excessive erosion and over-application of fertilizer and

manure both the fault of farmers." This perception, he says, is "largely inaccurate". The Des Moines news stories would have you believe nitrates are a huge problem for Iowa farmers. The paper concludes in part "Nitrate is not a widespread or overall worsening problem in Iowa's drinking water."

The paper does allege that discharge from agricultural drainage tiles is a primary source of nitrates in surface waters. The author poses an interesting question in suggesting it is silly to protect every drop of water at great cost. The author says why not just take actions which will keep infants from being fed high-nitrate water. He notes however "Our environmental laws do not allow for such a common-sense approach..." The former DNR employee finally brings some facts to the table. Others in Iowa agriculture might want to get these nitrate facts to the citizens of Iowa. And soon!

Gary H. Baise is a principal at OFW Law. This article first appeared May 4, 2015 on www.farmfutures.com.

Federal Orders for California con't...

USDA's historic purpose in creating the orders "was to prevent destructive marketing practices and create stability in the marketplace." They argue that the existing California milk marketing system isn't disorderly.

The Milk Producers Council says the law is also intended to "ensure an adequate supply of milk," which must assume that dairy farms survive economically. The co-ops point to the net prices producers in the federal marketing orders receive, typically 10 percent higher than for California farmers. MPC notes that the California Department of Food and Agriculture (CDFA) assures processors of a fair margin in making dairy products, but sets prices for all classes of milk, whether for drinking or processing, too low for farmers. Several years

of drought and high costs of forage and feed has put the actual milk price paid to California farmers even lower than the CDFA's estimated cost of milk production in two-thirds of the months in the past eight years.

California milk prices are lower overall than in other states for a reason. In both California and in federal orders, Class 1 milk gets the highest prices; milk for processing gets lower prices. Milk receipts within an order are pooled, so farmers operating in marketing orders with a greater proportion of Class 1 milk, such as the one for Florida, net higher prices. California, which uses 85 percent of its milk for processing, will by necessity have lower net prices under such pooling systems.

IoH Trailer Bill Passes, More Changes Needed

This spring's planting has given farmers all across Wisconsin their first experience with the state's new Implements of Husbandry (IoH) regulations. The confusing new law created a cumbersome permitting program that has been difficult to navigate and has not been implemented well. DBA anticipated these problems and was one of the most vocal critics of the new rules.

Even the authors of last year's bill, state Sen. Jerry Petrowski (R-Marathon) and Rep. Keith Ripp (R-Lodi), recognized that the law was not perfect. They worked on a trailer bill to address some of the most basic issues. For example, a farmer operating heavy equipment would have needed a permit from the county even if all he did was cross a county road while traveling on a town road. The trailer bill eliminates permit requirements for that type of perpendicular crossing. This fix-it legislation was recently signed into law by Gov. Scott Walker.

another of the benefits of operating a Category B: the ability to travel a short distance (a half mile or less) on the roads to get between the farm and a close field without having to worry about a permit, to be applied to Agriculture Commercial Motor Vehicles (Ag CMVs).

Much of the discriminatory treatment of manure hauling equipment persists in the law, but the new bill did make one positive change. Farms that use tractor trailers to haul and apply manure to a farm were already able to classify those modified semis as Ag CMVs. However, if a farm uses the semi to just haul the manure to the edge of the field and then uses other equipment to apply the manure it is not an Ag CMV. This distinction ignores a very practical consideration: It rains! The new law states that an Ag CMV won't lose that classification just because weather conditions keep the semi out of the field where it would otherwise directly apply manure.



Category B vehicles, which include most planting, harvesting and cultivation equipment, have a privileged status. The trailer bill broadened the Category B definition to include more equipment than before. It also gives Category B vehicles a big new advantage: they cannot be denied overweight permits; at a bare minimum, the government that maintains the road must provide a farmer with an alternative route. The new changes to the law also allow

While the trailer bill provisions are good news, more work needs to be done to improve IoH regulations. To help DBA do that, we need to hear from you if you've had issues with the new law. Many members have already shared their stories, but we can still use more examples to share with legislators. If you're having IoH problems, please contact John Holevoet at jholevoet@widba.com or (608) 358-3941, so we can spread the word.

Find DBA on the Web

www.widba.com



DBA Membership Provides You Representation and a Powerful Voice

- Membership with the Dairy Business Association enhances your business which adds dollars to your bottom line.
- Funding of dedicated environmental attorneys.
- Advising members regarding state statutes, regulatory rules and on-farm situations.
- Providing crisis management consultation.
- Drafting and amending legislation at the state and federal government levels.
- Educating and advising local governments on the importance of the dairy industry.
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- Broadening your knowledge and providing up-to-the-minute alerts on important matters.
- Assisting members in regulatory compliance.
- Expert staff for assisting you with farm issues.