

Before the House Agriculture Committee  
Presented by Zack Pistora, Kansas Sierra Club  
Proponent Testimony on SB 405  
March 6th, 2018



Chairman Hoffman and honorable members of the committee,

Thank you for the opportunity to provide testimony to your consideration of SB 405, which would clarify the animal conversion unit (ACU) formula for poultry production using a dry waste system.

K.S.A. 65-171d sets an ACU factor for laying hens or broilers, if the facility has continuous overflow watering at 0.01, and if the facility has a liquid manure system, 0.033. Proponents argue that SB 405 clarifies the statute for a dry waste system for laying hens or broilers at .003.

**However, the fundamental effect of this legislation is upon separation distances from these mega chicken barns, allowing up to a third of a million (333,333) chickens just one-quarter mile (1320ft) away from a home or business or only 100 foot away from a neighbor's property line.**

It is understandable that the State of Kansas, a top ten agricultural producer, would want to get in on the poultry market too, especially as poultry consumption is trending in America's meat demand. We know that the Kansas Department of Agriculture is currently dedicated to bringing in large poultry companies, like Tyson, to do their business here. We understand that Big Chicken processors, like Tyson, want to move to eastern Kansas, where there is a greater population density for workers and more water availability. However, at the .01 ACU level, it requires at least a 4,000-foot setback for poultry operations with more than 100,000 or more chickens, making it tricky for large corporations to establish their industrial poultry mega-complexes in suburban or rural Kansas.

But, by changing the animal conversion unit ratio to .003, **SB 405 dramatically weakens the setback requirements, and could bring millions of chickens and their thousands of tons of stinky manure to close proximity to countless Kansas communities.** These massive, 500 to 600 feet long, 20,000 square foot chicken barns continually exhaust ammonia, odor, and bacteria-laden manure dust, out their barns, exposing those neighbors downwind to a strong stench as well as health-harming particles and gases. This is the crux of today's debate: How close should these large poultry farms be to neighbors? We think that SB 405's ACU formula is too low for a healthy distance setback. A greater formula would mean less density of chickens for the quarter-mile separation.

**Animal Conversion Unit formulas were originally intended to compare different animals in relation to their waste impact risk to water pollution. Because the impact of poultry production is a greater risk to water pollution, the ACU for chicken needs to be much higher than the .003 proposal.**

Furthermore, the proposed .003 ACU formula is based upon the animal's weight, rather than its potential impact to water pollution, which is the original basis for the ACU formula and required separation distances. However, the impact of the animal goes further than its weight. As you can see in the Kansas State University research, chickens produce more manure than beef finishing cows and the manure is much richer. Chicken manure contains twice as much of Nitrogen and four times as much Phosphorus compared to beef finishers, and as such is a bigger risk of polluting nearby water bodies with the vast land-spreading of this waste. The Kansas Legislature is aware of the water quality issues we already have – such as Harmful Algal Blooms and high levels of nitrates in water sources – and SB 405 and bringing in Big Chicken production would only make that situation much worse. This scenario is not just hypothetical, but an empirical case in places like eastern Oklahoma, Missouri, Arkansas, and the Delmarva

Coast in Maryland. In fact, the States of Oklahoma and Missouri have both sued poultry producers for water pollution.

Thus, because of the nitrogen and phosphorus loads and massive amount of manure that will need to be spread around these chicken barns, the ACU formula should be increased to .008, like it is in Wisconsin.

Finally, it is important to remember that **Kansas does not allow counties to have zoning requirements for agricultural use, meaning that current law provides local residents no way to challenge these mega-chicken farms from coming to their area.** SB 405 needs an amendment for home rule, where county residents have the right to file petitions against industrial-agricultural chicken barns and have a county-wide vote. Without an opportunity to challenge these operations locally, SB 405 enables these mega chicken farms to infringe on the property rights and quality of life of surrounding neighbors and communities. We understand that some counties may choose to decide they want a large poultry slaughterhouse and these mega chicken barns. We respect the right of counties to choose whether they want this type of agribusiness or whether they DO NOT want this type of business, but the point is, the counties and their residents should be able to make that choice for themselves.

**Without an amendment to provide for a local option for counties to decide whether they want this type of agribusiness in their district, or a greater ACU formula, we encourage the Legislature to oppose SB 405 because of its impact to air and water quality, public health, and the quality of life for residents and communities nearby.**

Thank you,

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*The Sierra Club is the largest grassroots environmental organization dedicated to enjoying, exploring, and protecting our great outdoors. The Kansas Chapter represents our state's strongest grassroots voice on environmental matters for over forty years now.*