

MINUTES OF THE HOUSE AGRICULTURE COMMITTEE

The meeting was called to order by Chairperson Kyle Hoffman at 3:30 pm on Tuesday, March 06, 2018, in room 582-N of the Capitol.

All members were present except:

Representative Cindy Neighbor – Excused

Substitute members:

Representative Ed Trimmer, appointed substitute member to the committee

Committee staff present:

Eileen Ma, Office of Revisor of Statutes

Heather O'Hara, Legislative Research Department

James Fisher, Legislative Research Department

John Willey, Kansas Legislative Committee Assistant

Kyle Hamilton, Office of Revisor of Statutes

Conferees appearing before the Committee:

Dr. R. Scott Beyer, Assoc. Prof., Extension Poultry Specialist, Department of Animal Sciences and Industry, Kansas State University

JoAnn Farb, Lecompton KS

Stacey Forshee, Kansas Farm Bureau

Kerry Holton, Tonganoxie KS

Ashley Hutchinson, Executive Director CloudCorp, Cloud County Economic Development

Paul Johnson, Kansas Rural Center

Representative Jim Karleskint, 42nd District, Kansas House of Representatives

Margaret Kramar, Owner, Hidden Hollow Farm

Tad Kramar, Big Springs KS

Ken McCauley, Kansas Corn Growers Association

Jackie McClaskey, Secretary, Kansas Department of Agriculture

Zack Pistora - Kansas Sierra Club

Aaron Popelka, Vice President, Kansas Livestock Association

Trisha Purdon, Executive Director, Montgomery County Action Council

Tucker Stewart, Kansas Agriculture Alliance

Dr. Peter J. Tomlinson, Asst. Professor and Extension Specialist for Environmental Quality, Agronomy Department, Kansas State University

Others in attendance:

[See Attached List](#)

Hearing on: SB405 — Clarifying animal conversion units for poultry facilities with dry manure systems.

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Chair Hoffman opened the hearing on **SB405** at 3:36pm.

Kyle Hamilton, Assistant Revisor, Office of The Revisor of Statutes, provided an overview of **SB405** and the statutes that it affects. ([Attachment 1](#))

PROPOSERS

Jackie McClaskey, Secretary, Kansas Department of Agriculture (KSDA), appeared before the Committee in support of **SB405**. ([Attachment 2](#)) In 2015, KSDA was tasked with developing a strategy to grow the agricultural industry in Kansas. As part of our Agricultural Growth Strategy project, KSDA staff have had the opportunity to participate in hundreds of meetings with nearly 1,000 stakeholders across the agricultural industry: from traditional crop and livestock farmers, to companies producing cutting-edge remote sensing technology. During these meetings, industry leaders have identified desired growth outcomes within the state's 19 agricultural sectors, and have outlined specific action items to achieve each one.

Leaders in the poultry industry have informed us that the Kansas statutes and regulations that apply to the modern poultry industry are either non-existent or unclear. Specifically, animal unit conversion factors exist for many other livestock species, but the Kansas Department of Health and Environment statute does not include a factor for broilers or laying hens raised in a facility with a dry manure system. As you will hear from scientists at Kansas State University, the proposed conversion factor of 0.003 is based upon sound science employing the latest data on poultry production. For Kansas to be competitive, we need statutes that apply to modern poultry production while ensuring we have the proper authority to protect our natural resources.

Dr. Peter J. Tomlinson, Asst. Professor and Extension Specialist for Environmental Quality, Agronomy Department, Kansas State University, appeared before the Committee in support of **SB405**. ([Attachment 3](#)) The recent interest expressed by the poultry industry to expand broiler chicken production to Kansas has highlighted that our current animal unit designations for poultry do not accurately reflect current production practices. He provided an overview of broiler chicken growth, and an assessment of the manure production and nutrient content expected per animal unit per day for production utilizing a dry manure system. The animal unit of 0.003 or 333 broilers per animal unit proposed in **SB405** is more conservative than the animal units used by Midwest Plan Service (MWPS) of 0.002 or 500 broilers and the Natural Resource Conservation Service (NRCS) Agricultural Waste Management Field Handbook of 0.0026 or 385 broilers. The projected annual daily manure and nutrient production per animal unit is 5263 pounds of manure, 0.580.69 pounds of nitrogen (N) and 0.17 to 0.20 pounds of phosphorus (P).

Dr. R. Scott Beyer, Assoc. Prof., Extension Poultry Specialist, Department of Animal Sciences and Industry, Kansas State University, appeared before the Committee in support of **SB405**. ([Attachment](#)

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4) Broiler production efficiently uses crops and water, and with good farm management, the nutrients in litter are an excellent opportunity to reduce crop production costs while increasing sustainability in farming. Integrated broiler production is a great opportunity to get young people back on the farm, employ a wide range of workers, and provide much needed tax revenues in communities. Dr Beyer quickly reviewed the modern vertically integrated system for poultry production and its affect on the areas surrounding the facility. University research, anecdotal data, and personal experience indicate that poultry farms, when well-managed, are unlikely to be as disruptive as they are claimed to be. The proposed setback of 1320 ft between a broiler house and an occupied dwelling is far more than adequate to permit broiler production within the norms expected of noise, dust, and odor mitigation.

Ashley Hutchinson, Executive Director CloudCorp, Cloud County Economic Development, appeared before the Committee in support of **SB405**. ([Attachment 5](#)) This bill is another piece of the puzzle to bringing chicken production to the state. Decreasing the setbacks for dry-liter operations allows for a robust poultry growing network. The minute this becomes statute, you will be putting an open sign at our borders. Please allow us to take part in that growth. Please give us the tools we need to bring in agriculture economic development in rural America. It is my hope that the state will continue to support these and other efforts to grow agriculture in Kansas.

Stacey Forshee, Kansas Farm Bureau, appeared before the Committee in support of **SB405**. ([Attachment 6](#)) It is important for Kansas to ensure that the business climate is good and inviting for new opportunities within the agricultural industry. Kansas Farm Bureau believes that the provisions in **SB405** will help to attract new agricultural business in Kansas by helping to clarify where poultry facilities fit in the current regulatory environment.

Tucker Stewart, Kansas Agriculture Alliance, appeared before the Committee in support of **SB405**. ([Attachment 7](#)) This bill is a necessary first step to allowing farmers the opportunity to add value to their operation and grow the state's economy. Current law contains animal unit standards for various types of confined feeding facilities, but does not contain a standard for dry litter poultry barns that are the industry standard for modern poultry production. If poultry production is in Kansas' future, a standard must be added to the statute. We support a science based approach to clarifying animal units for dry litter poultry systems.

Trisha Purdon, Executive Director, Montgomery County Action Council, appeared before the Committee in support of **SB405**. ([Attachment 8](#)) We have an opportunity to set the standards and best management practices for a new industry in our state. Let us prepare by implementing competitive, yet responsible, set back laws, poultry litter best management practices, and a sustainable watershed and water supply protection program statewide. If we all work collaboratively at both the local and state level, I am confident we can recruit poultry operations to Kansas, and operate in an environmentally sustainable way for generations to come.

Aaron Popelka, Vice President, Kansas Livestock Association (KLA), appeared before the Committee

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in support of **SB405**. ([Attachment 9](#)) This bill falls squarely within the context of science-based, uniform environmental laws. **SB405** adds in statute the animal unit standard for dry litter poultry barns that do not currently exist in statute. Current law contains an animal unit standard for continuous overflow watering and liquid manure system poultry barns, which are no longer the norm for poultry production. Dry litter poultry barns are the current industry standard for modern poultry production and are more environmentally sound production systems compared to those currently in statute. Therefore, a standard must be added to the statute to account for this modern system. KLA believes that any changes to this statute, which directly affects our members, should be based on current technology and the best available science, not politics.

Ken McCauley, Kansas Corn Growers Association (KCGA), appeared before the Committee in support of **SB405**. ([Attachment 10](#)) It is important for Kansas to ensure that the business climate is good and inviting for new opportunities within the agricultural industry. KCGA believes that the provisions in **SB405** will help to attract new agricultural business in Kansas by helping to clarify where these facilities fit in the current regulatory environment. The clarification contained in **SB405** will make it clear that Kansas welcomes new agricultural enterprises.

Written Testimony in support of **SB405** was received from:

Don Alexander, President, SEK Inc ([Attachment 11](#))

Heather Morgan, Executive Director, Project 17 ([Attachment 12](#))

Jeff Andersen, Acting Secretary, Kansas Department of Health and Environment ([Attachment 13](#))

Kendal Francis, City Manager, Coffeyville KS ([Attachment 14](#))

The Proponents answered questions from the Committee.

OPPONENTS

Representative Jim Karleskint, 42nd District, Kansas House of Representatives, appeared before the Committee in opposition of **SB405**. ([Attachment 15](#)) Representative Karleskint focused his testimony on the public health concerns associated with industrial food animal production, especially on broiler production. He spoke about the issued that occurred late last year in Tonganoxie KS. Representative Karleskint provided information from the Johns Hopkins University Center for a Livable Future relating to the Public Health Concerns Associated with individual food animal production; Disease Transmission; Air Pollution; and Contaminated Ground and Surface Water.

Tad Kramar, Big Springs KS, appeared before the Committee in opposition of **SB405**. ([Attachment 16](#))

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We are dismayed that the House is considering **SB405**, which would allow up to 333,333 chickens to be placed within 1/4 mile of a habitable structure, and up to 100,000 chickens to be placed only 100 feet away from a neighbor's property line. Exhaust from powerful fans in these buildings would spread dangerous and foul-smelling manure particles and bacteria to area residents and communities. Moreover, chicken manure contains a much larger proportion of nitrogen and phosphorus than cow manure, creating a major threat to streams and drinking water from waste runoff. To make matters even worse, the odors, pollution, increases in rodents and flies, and large truck traffic created by these facilities will lower the value of properties in the area.

Margaret Kramar, Owner, Hidden Hollow Farm, appeared before the Committee in opposition of **SB405**. ([Attachment 17](#)) We are united in wanting to bring economic opportunities to Kansas, but how low are we willing to go to pursue that objective? Would we stop at nothing? I would argue that sometimes compassion should take precedence over profit. Please oppose this bill, if not for the people, for the animals, and if not for the animals, for the people growing and slaughtering the chickens.

Kerry Holton, Tonganoxie KS, appeared before the Committee in opposition of **SB405**. ([Attachment 18](#)) Large corporate agricultural processing facilities have a place in Kansas, but, when they are inappropriately located, the harm done to communities can be devastating and permanent. Courts have ruled that there is an adverse effect on property values when certain businesses, such as corporate poultry industries, are located. The heavier the population base, the closer they are to major metropolitan areas and the larger the total footprint of the corporate poultry industries, the more significant the adverse impact becomes.

Zack Pistora, Kansas Sierra Club, appeared before the Committee in opposition of **SB405**. ([Attachment 19](#)) By changing the animal conversion unit ratio to .003, **SB405** 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 **SB405**'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.

JoAnn Farb, Lecompton KS, appeared before the Committee in opposition of **SB405**. ([Attachment 20](#)) When my husband and I searched for land to build a secluded home, we looked carefully at zoning and landuse plans making sure no Confined Animal Feeding Operations were near. A home is most people's biggest investment. **SB405** will pull the rug out from under home owners and is an economic threat to tens of thousands of rural residents who do not want live near this type of business.

Paul Johnson, Kansas Rural Center, appeared before the Committee in opposition of **SB405**. ([Attachment 21](#)) Industrial poultry is corporate poultry. Corporate poultry is a system where a

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company owns the birds, the feed, the veterinary services and the processing. The chicken grower is responsible for building the chicken houses, disposing of the tons of chicken liter and getting rid of the dead birds. Corporate poultry should be regulated the same as corporate hogs and corporate dairies in Kansas law. For counties who want corporate poultry there should be an open debate by county residents and a resolution passed by the County Commissioners. County residents would have petition power to promote or reject corporate poultry.

Written Testimony in opposition to **SB405** was received from:

Alisa Branham, Lawrence KS ([Attachment 22](#))

Brian Morley, Lawrence KS ([Attachment 23](#))

Cecilia Pruitt, Tonganoxie KS ([Attachment 24](#))

Charlene Sims, Linn County KS ([Attachment 25](#))

Cherish Henning Clearwater KS ([Attachment 26](#))

Craig Watts, Consultant, Socially Responsible Agricultural Project ([Attachment 27](#))

Daniel R. Hopkins Sr, Tonganoxie KS ([Attachment 28](#))

Donn Teske, President, Kansas Farmers Union ([Attachment 29](#))

Erin Ellsworth, Tonganoxie KS ([Attachment 30](#))

Fred Scheller, Tonganoxie KS ([Attachment 31](#))

Janet Hofmeister, Tonganoxie KS ([Attachment 32](#))

Jerry Bradfield, Tonganoxie KS ([Attachment 33](#))

Jill Weishaubt, Tonganoxie KS ([Attachment 34](#))

Joan Vibert, Ottawa KS ([Attachment 35](#))

Joanna Eibes, Lansing KS ([Attachment 36](#))

Jodi Simon, Viola KS ([Attachment 37](#))

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John Palmer, Tonganoxie KS ([Attachment 38](#))

Joy Thomas, Shawnee KS ([Attachment 39](#))

Keith Longhofer, DVM, Tonganoxie KS ([Attachment 40](#))

Kirk Sours, Leavenworth County KS ([Attachment 41](#))

Leah Hicks, Bashor KS ([Attachment 42](#))

Linda Sturgeon, Tonganoxie KS ([Attachment 43](#))

Lori Lawrence, Wichita KS ([Attachment 44](#))

Michael Spottswood, Tonganoxie KS ([Attachment 45](#))

Norm Oeding, Newton KS ([Attachment 46](#))

Roxanne Mettenburg, Princeton KS ([Attachment 47](#))

Sue Lamberson, Clearwater KS ([Attachment 48](#))

Suzanne Regier, Tonganoxie KS ([Attachment 49](#))

Thad Holcombe, Convener of the Water Advocacy Team-Douglas County KS ([Attachment 50](#))

George Hanna, Tecumseh KS ([Attachment 51](#))

There were no neutral of **SB405**.

The hearing on **SB405** was closed at 5:20pm.

The Chair adjourned the meeting at 5:21pm.