



The Power to Pollute

Big Agribusiness's Political Dominance in Madison and Its Impact on Our Waterways



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Executive Summary

Factory farms are polluting Wisconsin's treasured waterways. Runoff laced with pollution from animal manure contaminates the state's lakes and rivers, and the number of factory farms in the state is rapidly increasing.

The agencies charged with keeping Wisconsin's water clean have issued more and more water permits to industrial farming operations every year, even though livestock operations have already polluted thousands of acres of lakes and hundreds of miles of rivers. The state's failure to protect our waterways from factory farming is the result of years of lobbying by powerful corporate agribusiness interests.¹ **Since 2007, corporate agribusiness interests have spent \$427,000 on campaign contributions and \$4.4 million on lobbying to get their way in Madison.**

To protect Wisconsin's precious lakes and rivers, state officials must stand up to pressure from factory farming lobbyists, refuse to permit new factory farms, and ensure that existing ones follow the law.

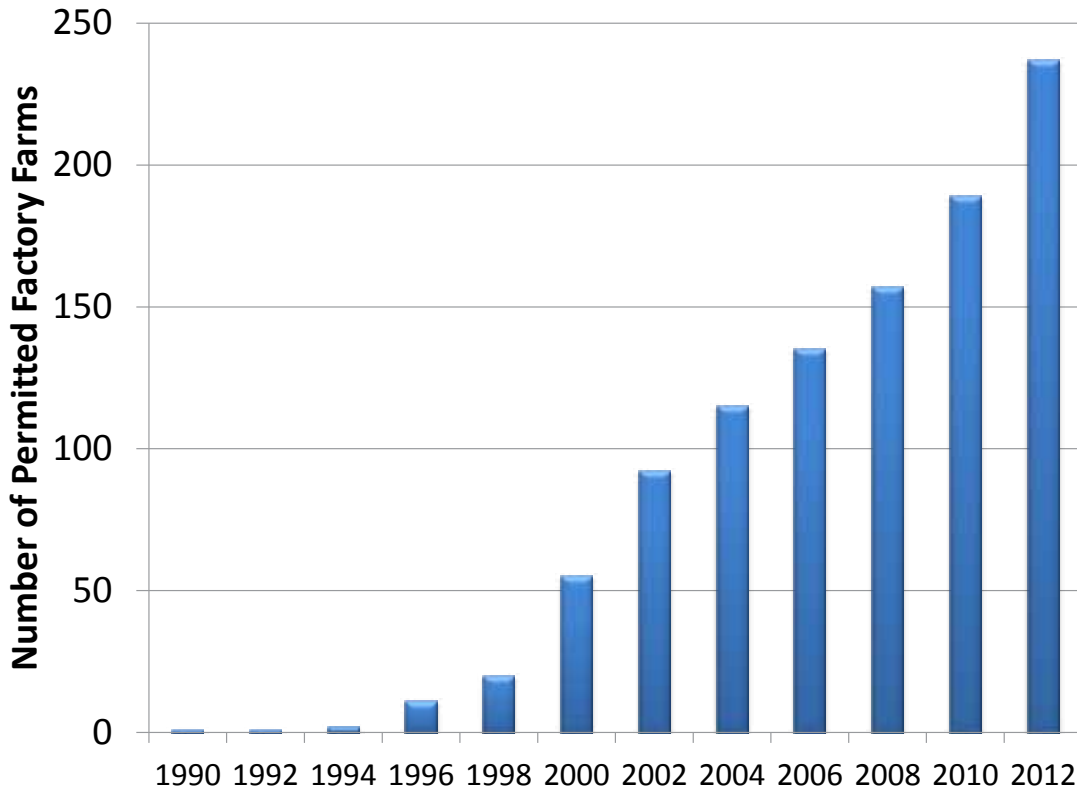
Pollution from factory farms is a growing threat to Wisconsin's treasured lakes and rivers. Stormwater runoff from fields and livestock operations carries pollutants from manure into Wisconsin's lakes and rivers. This can harm wildlife and public health – creating algal blooms that kill fish, destroy wildlife habitat, and contaminate drinking water.

- Factory farms produce more manure than they can safely dispose of by spreading on nearby fields, and pollution from this excess manure runs off fields during storms and into Wisconsin's lakes. Nutrients like nitrogen and phosphorus are found in animal waste and can create harmful algal blooms.
- As of 2010, pollution from livestock operations of all sizes has left more than 4,000 acres of lakes and 377 miles of rivers and creeks too polluted to sustain their designated uses of swimming, fishing, or providing a healthy habitat for aquatic plants and animals in Wisconsin.

Pollution from factory farms is a growing threat to Wisconsin's treasured lakes and rivers.

1. In this report, "corporate agribusinesses" refer not just to the farmers who own the cows and operate the commercial farms. Rather, "corporate agribusinesses" include the entire industry of corporations that profit from supplying factory farms with the tools of the trade – from the provision of feed, to the construction of animal pens, to the financial services, to the manufacturing of dairy equipment and provision of veterinary services. "Corporate agribusinesses" also include other corporations that have an interest in farm policy because they obtain, process and distribute dairy products to consumers.

Figure ES-1: Number of Wisconsin's Permitted Factory Farms Has Grown Dramatically

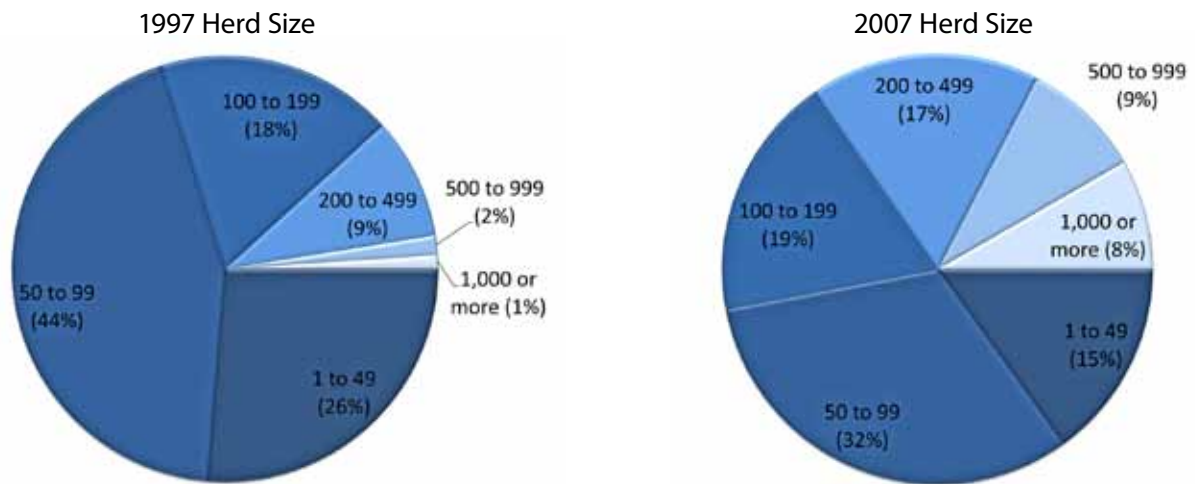


Factory farms in Wisconsin are rapidly proliferating, increasing the threat of runoff pollution.

- In 1992, there was only one permitted factory farm in Wisconsin.² By 2002, that number had jumped to 92, and by 2012, that number had jumped to 237. (See Figure ES-1.)
- Wisconsin is undergoing a sharp transition from a tradition of family farming to large factory farms. From 1997 to 2007, the percentage of cows in Wisconsin on farms with fewer than 100 animals decreased from 70 percent to 47 percent. Meanwhile, the percentage of cows on farms with 500 or more cows jumped from 3 percent to 17 percent. (See Figure ES-2.)

2. A factory farm, also called a concentrated animal feeding operation (CAFO), is defined as an operation with the equivalent of at least 700 dairy cows, 1,000 beef cattle, 2,500 swine, or 55,000 turkeys.

Figure ES-2: Big Dairy Herds Have Become More Common Since 1997 (percent of cows by herd size)



- In Wisconsin, dairy concentrated animal feeding operations (CAFOs) hold 434,547 animal units – equal to 303,879 cows assuming they are all milking and dry cows – and can produce more waste than produced by Wisconsin’s entire population.

The agencies charged with protecting Wisconsin’s lakes have supported the growth of the factory farms. Over the past decade, the number of water permits issued for factory farms has increased, while the number of issued citations has decreased.

- In February 2010, an investigative article in the *Wisconsin State Journal* found that in the seven years since the Department of Natural Resources (DNR) had taken charge of overseeing new or expanded dairy farms, the agency had never turned down a permit request – nor revoked a permit after a factory farm violated pollution standards.

- The DNR has issued fewer citations over time to factory farms. In 2012, the Department of Natural Resources (DNR) issued three violation notices for animal waste from CAFOs – down from 13 in 2011 and 15 in 2010.

Agribusiness interests have spent millions of dollars to influence decisions in Madison.

- **Lobbying:** In the past five years, agribusinesses and agribusiness-related organizations spent more than \$4.4 million lobbying the state government in Wisconsin. These lobbying expenditures include almost \$200,000 spent by Kraft Foods, more than \$800,000 spent by the Dairy Business Association (DBA), and over \$1 million spent by Koch Companies Public Sector (a subsidiary of Koch Industries, which is a multi-billion dollar corporation that sells products and services to large agricultural operations through its other subsidiaries).

- **Campaign contributions:** Between 2007 and June 2012, agribusinesses and corporate-backed agribusiness organizations contributed \$427,000 to Wisconsin political candidates and committees.
 - Milk Source Holdings – the largest dairy producer in the state – spent more than \$180,000.
 - Koch Industries contributed close to \$100,000.
- **Revolving door:** Many state regulators responsible for enforcing rules on factory farms have formerly served as agribusiness lobbyists, and vice versa. David Jelinski, for example, who was a lobbyist for the DBA, was formerly the Director of Land, Water and Resources Management at the Department of Agriculture, Trade and Consumer Protection (DATCP).
- **Corporate influence over farm advocacy organizations:** Organizations that claim to represent small Wisconsin farmers may actually receive the bulk their financial support from corporate agribusinesses, which benefit from the spread of factory farms. The Dairy Business Association (DBA) – one of the loudest voices for the large-scale dairy in Wisconsin – derives much of its financial support from a small number of corporate agribusiness firms.

Wisconsin should take immediate steps to protect the state’s waterways from pollution from corporate agribusiness – and to restore our already-polluted waterways to health. The Department of Natural Resources and the Department of Agriculture, Trade and Consumer Protection

should more strictly regulate water pollution from factory farms by:

- Banning the over-application of fertilizer that leads to pollution of waterways.
- Regulating more strictly high-capacity well systems, which withdraw more than 70 gallons per minute and can take a serious toll on lakes, streams and groundwater resources.
- Banning aerial manure application, which may expose Wisconsin residents to diseases found in animal manure.
- Continuing to require reductions in discharges to waterways that fail to meet water quality standards by enforcing existing laws. This will ensure that pollution from agribusiness activity does not make waterways unsafe for fishing, swimming and wildlife.
- Maintaining strong standards to limit phosphorus pollution, reducing the occurrence and severity of algal blooms that kill fish, destroy wildlife habitat, and contaminate drinking water.
- Tightening rules for inspection and punishing repeat or serious violators of water pollution laws with real penalties, not slaps on the wrist.
- Creating a citizen monitoring system by which residents can report potential violations from factory farms that will be investigated by the DNR. The DNR should create a web portal through which citizens can submit allegations and review the results of DNR investigations.

Introduction

In 2009, the town of Little Black objected to a proposal for a 4,000-cow dairy farm. Experts hired by the town found that the farm's proposed manure disposal plan didn't have enough acreage to prevent water contamination. However, town officials received a warning letter from the Department of Agriculture, Trade and Consumer Protection (DATCP) – signed by David Jelinski, the DATCP Director of the Bureau of Land, Water and Resources Management – on April 21, 2009. The letter stated: "If you choose to pursue local requirements beyond the scope of the state siting law, the town will expose itself to unnecessary legal challenges from applicants and other interested parties that the town may not be able to defend." ¹

The story behind that letter is an illustration of the pervasive influence of corporate agribusiness in Wisconsin – and the environmentally disastrous expansion of factory farming that power has spawned.

Much of the lobbying clout that made the siting bill law came from the Dairy Business Association (DBA), which helped the Department of Natural Resources (DNR) and the DATCP write the law. ² According to the *Wisconsin State Journal*, after the passage of the law, a lawyer who represented the DBA encouraged dairy farmers to forward questions about the law to the association, writing "we wrote the law and are in the best position to tell you what it means." ³

While the DBA purports to represent dairy producers large and small, the organization is primarily funded by large corporations with interest in factory farming. In 2011, the DBA's total revenue was \$910,219. ⁴ Meanwhile, membership fees from the DBA's current corporate members (memberships last for one year) total at

least \$523,000. ⁵ ABS, a transnational bovine genetics company, and Hasting Mutual, an insurance company, both contributed at least \$25,000. ⁶

The state officials who passed and enforced the siting law are involved in the "revolving door" between agribusinesses and state government. Representative David Ward, who introduced the bill, became the director of government relations and dairy for Cooperative Network – a trade organization in Wisconsin and Minnesota with board members representing large agribusinesses like Land O'Lakes, Foremost Farms USA and CHS Inc. (a Fortune 100 company) – after leaving the legislature. ⁷ Rod Nilsestuen – head of DATCP when the siting law passed – was President and CEO of the Cooperative Network before his appointment to the DATCP. ⁸ David Jelinski – the DATCP Director of Bureau of Land, Water and Resource Management who signed the letter to Little Black – walked through the revolving door just eight months later to become the government affairs director and lobbyist for the Dairy Business Association. ⁹

Little Black's attempt to safeguard its water from agricultural pollution shines light on the tangled web of connections between corporate agribusiness and Wisconsin officials. These connections – strengthened by agribusinesses' millions of dollars of lobbying and campaign contributions – ensure that the views of agribusinesses are heeded in Madison, often at the expense of our lakes and rivers. This report documents the many avenues through which corporate agribusiness interests have influenced policy – fueling the spread of polluting factory farms – and the way forward to protect our waterways.

Factory Farm Pollution Threatens Wisconsin's Lakes and Rivers

Wisconsin residents treasure our lakes and rivers. Whether we use them to ice-fish in the wintertime, swim or boat in the summer, or simply value them for providing clean water to communities and healthy habitat for wildlife, we understand that clean water is a vital part of our quality of life.

Yet, pollution from factory farms leaves many lakes, streams and rivers across the state too polluted for swimming or fishing, or to sustain healthy ecosystems. In 2012, the Water Quality Division of Wisconsin's Department of Natural Resources (DNR) listed more than 500 lakes, rivers and wetlands in the state as impaired for designated uses such as protection and propagation of wildlife, recreation or fishing.¹⁰ Pollution from factory farm waste is a serious threat to Wisconsin's lakes and rivers – and these industrial livestock operations are spreading across the state.

Factory Farms Produce Vast Amounts of Waste

Pollution from factory farms with large numbers of livestock is a growing source of water contamination in Wisconsin. Spreading large quantities of manure on fields poses a serious danger to our waterways.

Manure can be a valuable source of nutrients to support robust crops – it contains phosphorus, nitrogen and potassium, essential nutrients for plant growth.¹¹ For centuries, farmers have used manure as a fertilizer for their crops, collecting waste from the few

animals they kept for their family or for the local market and spreading it on nearby fields. However, the volume of waste being produced on factory farms is so large that it cannot safely be applied to fields.

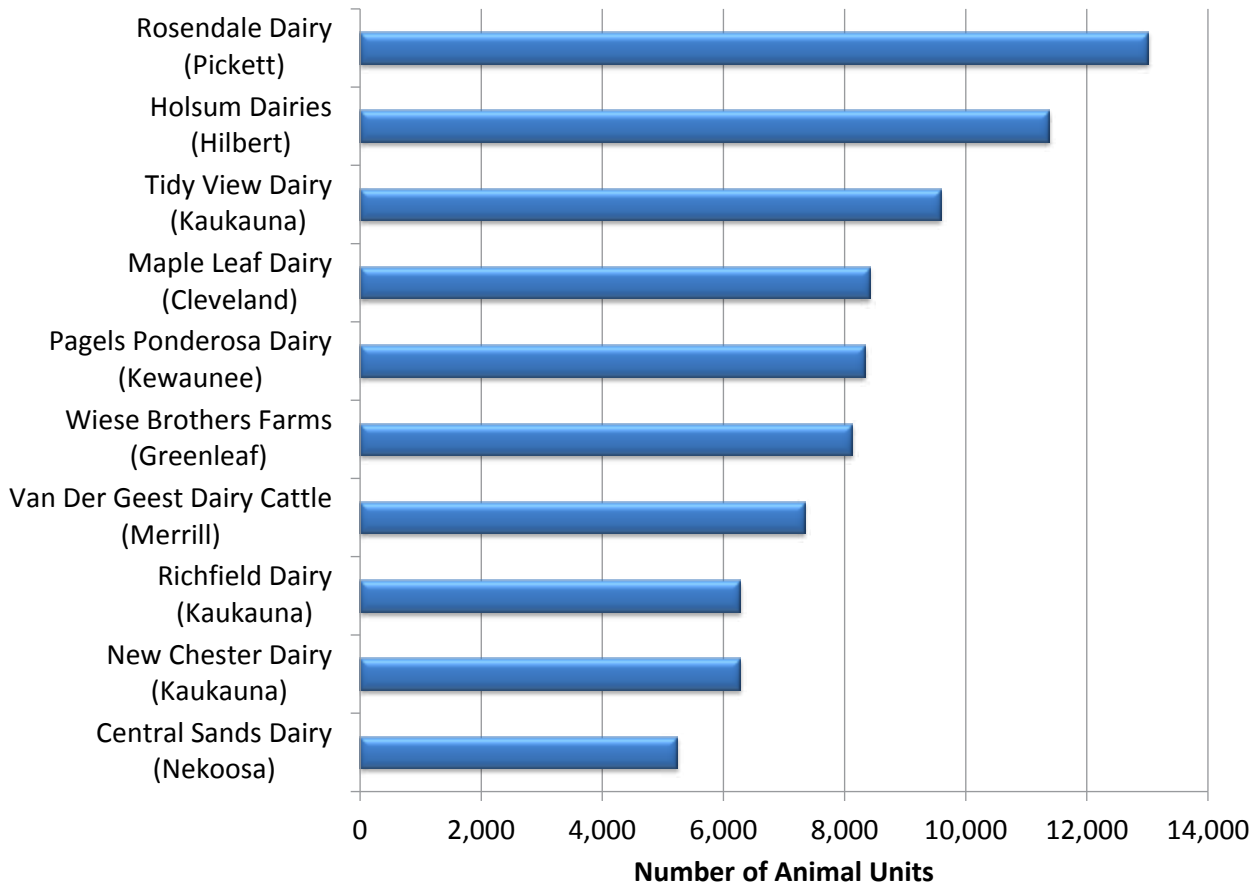
Wisconsin's factory farms create massive amounts of waste. A factory farm, also called a concentrated animal feeding operation (CAFO), houses hundreds of animals. In Wisconsin, a CAFO is defined as an operation with the equivalent of at least 700 dairy cows, 1,000 beef cattle, 2,500 swine, or 55,000 turkeys, but many have herd sizes that far exceed the minimum threshold.¹² (See Figure 1.) As of September 2013, there were 217 CAFOs with current permits and 88 percent of them were dairy operations.¹³ According to Department of Natural Resource classifications, these dairy operations hold 434,547 animal units – equal to 303,879 cows assuming they are all milking and dry cows.¹⁴ With one cow able to produce approximately 120 pounds of wet manure per day, Wisconsin's dairy CAFOs can produce more waste than produced by the state's entire population.¹⁵ When this waste is generated in a concentrated area, it can exceed the amount that can be used productively as fertilizer in the near vicinity.

The way farmers distribute manure across their fields also may present dangers to public health. Spraying liquid manure into the air across fields fills the ambient surroundings with foul odor and pathogens. In the town of Rosendale, home of the state's largest dairy operation, local officials have banned the practice of aerial manure application, but elsewhere farmers are looking to expand the practice.¹⁸



Factory farm pollution harms lakes and rivers because excessive nutrients found in manure and fertilizer, such as phosphorus and nitrogen, find their way into Wisconsin's waterways and often render them unfit for recreation and wildlife.

Figure 1: Wisconsin's 10 Largest Dairy CAFOs¹⁶



One dairy cow is equal to 1.4 animal units, one heifer weighing 800-1200 pounds is equal to 1.1 animal units, and one heifer weighing 400-800 pounds is equal to 0.6 animal units.¹⁷

Factory Farming Creates Hazardous Runoff Pollution

The accumulation of waste on factory farms contributes to dangerous runoff pollution. A big dairy operation generates so much manure that getting rid of it becomes a problem for the farmer and a threat to water quality. With a larger quantity of manure and often a small land base, due to the practice of purchasing feed rather than growing it on that farm, the good practices that keep manure out of waterways – such as applying only as much manure as is needed for fertilizer – are harder to follow.

Factory farm pollution harms lakes and rivers because excessive nutrients found in manure and fertilizer, such as phosphorus and nitrogen, find their way into Wisconsin's waterways and often render them unfit for recreation and wildlife. Nutrient runoff from fields, caused by the over-application or careless application of manure, creates summertime blooms of toxic algae. These algal blooms cause decreased levels of oxygen that threaten fish populations and the ability of people to enjoy their lakes.¹⁹ As of 2012, the accumulation of nutrients in the water contributed to the pollution of 33 percent of lakes that were listed by

the DNR as not meeting the state's water quality standards.²⁰

Based on the Department of Natural Resources (DNR) 2010 list of "impaired" water bodies – water bodies that fail to meet Wisconsin's water quality

standards – pollution from livestock operations of all sizes has left more than 4,000 acres of lakes and 377 miles of rivers and creeks in Wisconsin too polluted for swimming, fishing, or providing a healthy habitat for aquatic plants and animals.²¹

Photo: UW SSEC and WisconsinView



A satellite image of Lake Mendota (larger lake) and Lake Menona, surrounded by Madison. The swirls are algae blooms, digitally highlighted to make them easier to see.

Factory Farming Has Spread Rapidly

As factory farms spread in Wisconsin, runoff pollution threatens more of the state's waterways. In 1992, there was only one permitted factory farm in Wisconsin. By 2002, that number had jumped to 92, and by 2012, that number had jumped to 237.²² (See Figure 2.)

Wisconsin is undergoing a sharp transition from its tradition of family farming to being dominated by large factory farms. From 1997 to 2007, the percentage of cows in Wisconsin on farms with fewer than 100 animals decreased from 70 percent to 47 percent. Meanwhile, the percentage of cows

Figure 2: Number of Wisconsin's Permitted Factory Farms Has Grown Dramatically²³

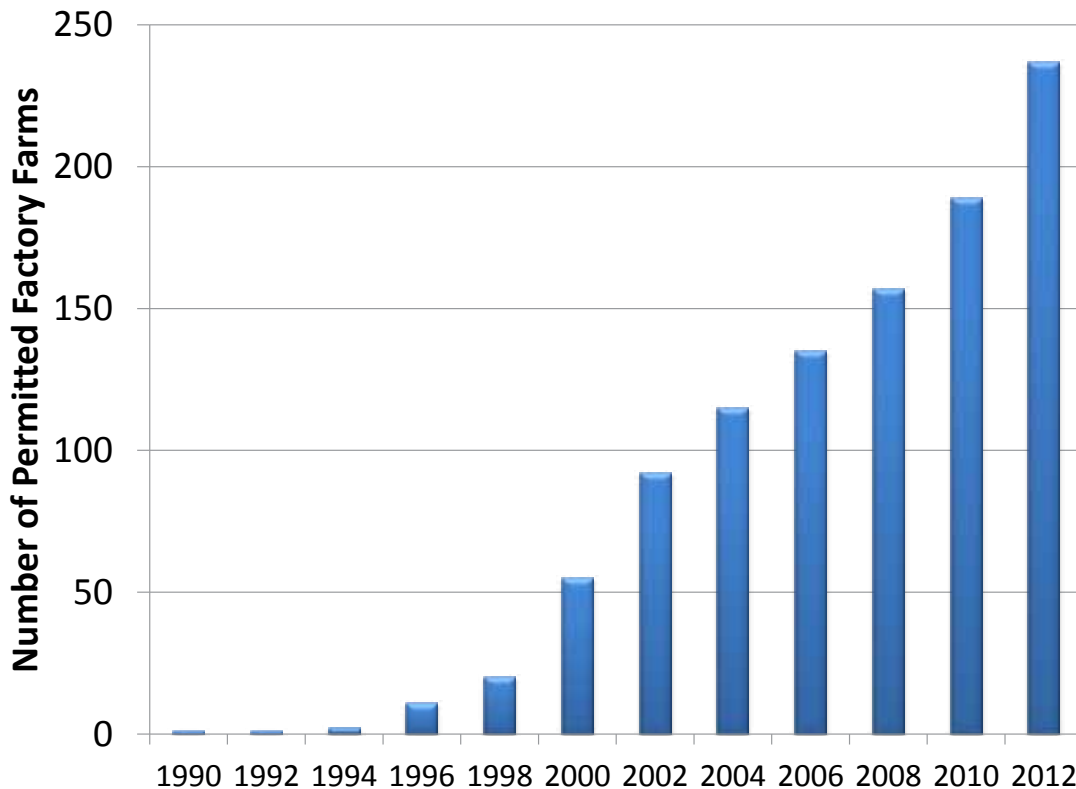
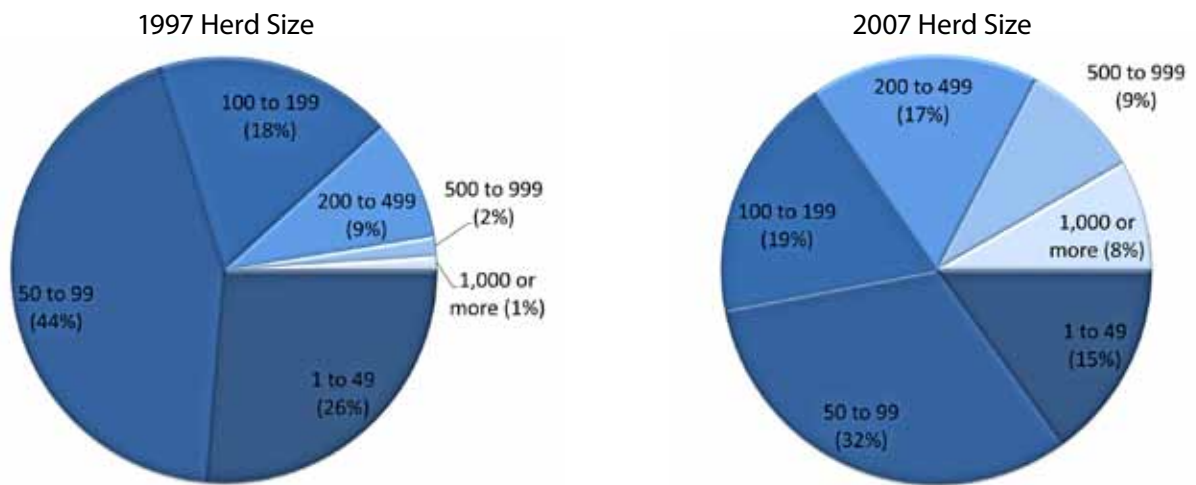


Figure 3: Big Dairy Herds Have Become More Common Since 1997 (percent of cows by herd size)⁸⁷



on farms with more than 500 cows jumped from 3 percent to 17 percent. (See Figure 3.)

As these factory farms proliferate, the excessive amounts of waste they produce will continue to threaten Wisconsin's waterways and render them unfit for use.

Wisconsin's Policymakers Have Protected the Interests of Agribusiness at the Expense of Wisconsin's Lakes and Rivers

In the past few years, state government officials have continually reduced or removed environmental protections to the benefit of agribusinesses.

Wisconsin Regulators Do Not Effectively Issue Pollution Permits and Citations to Prohibit Water Pollution

One of the ways in which the state protects its water bodies from factory farm pollution is by requiring all CAFOs to obtain a permit to discharge pollutants through a program called the Wisconsin Pollution Discharge Elimination System (WPDES).²⁴ WPDES permits allow the state government to ensure that factory farms do not dump excessive amounts of pollutants into Wisconsin's lakes.

However, the Department of Natural Resources (DNR) does not use WPDES permits to hold factory farms to high standards. In February 2010, an investigative article in the *Wisconsin State Journal* found that in the seven years since the DNR had taken charge of overseeing new or expanded dairy farms, the agency had never turned down a permit request – nor had the agency revoked a permit after a factory farm violated the pollution standards.²⁵

Along with the low standards for permitting factory farms, the DNR is issuing fewer citations to CAFOs. In 2012, the DNR issued three violation notices for animal waste from CAFOs – down from 13 in 2011 and 15 in 2010.²⁶ The DNR sent one case to the Department of Justice in 2012 and zero in 2011 – down from four in 2010.²⁷ Moreover, the DNR rarely inspects dairy operations outside the initial permit process – only once or twice every five years – and sometimes not even then.²⁸

Some former agency officials worry that the DNR is not carrying out its mission to protect Wisconsin's environment and public health.²⁹ Among others, former DNR secretaries Scott Hassett and George Meyer, along with former governor Anthony Earl, who was also the DNR secretary in the 1970s, have expressed serious concern over the current administration's lack of oversight and enforcement.³⁰

The Department of Natural Resources Approves High-Capacity Wells

The Department of Natural Resources (DNR) is approving high-capacity wells, a practice strongly supported by corporate agribusiness but highly contested by Wisconsin residents worried about water

in the state.³¹ High capacity well systems have the capacity to withdraw at least 70 gallons per minute, which can take a serious toll on lakes, streams and groundwater resources in the surrounding region.³²

The DNR recently approved the use of two such wells for the proposed 4,300-cow dairy operation on the Adams-Waushara County border, to be built by Milk Source Holdings.³³ However, its environmental analysis failed to consider the impact of the well on surrounding water bodies, such as Wedde and Chaffee creeks or Pleasant Lake. As reported in the *Wisconsin State Journal*, former DNR wastewater specialist Jim Friedrich was critical of the DNR's lack of oversight on this project: "For the DNR to ignore the cumulative impact of the combined well pumping defies both science and common sense. The primary mission of the DNR is to protect the resource, not to grease the wheels of ill conceived ag [sic] industry."³⁴

The State Legislature Weakened Protections for Wetlands

In February, 2012, the Wisconsin Legislature enacted Act 118, which allows companies to get away with polluting the state's wetlands.³⁵ The new law makes obtaining permits for factory farms in wetlands easier, and it removes regulations that prohibit the farms from developing and polluting important habitat for birds, fish and other wildlife.³⁶

Prior to the enactment of Act 118, companies that wanted to expand their factory farms were mandated to search for nearby locations that would have the least environmental impact on wetlands. Under Act 118, factory farm companies must still search for alternative areas, but they may only look for alternatives that are adjacent to the original factory farm.³⁷ Following these rules, a factory farm would be allowed to expand into a wetland area immediately adjacent to the factory farm even if the environmental damage was high, instead of having to expand to another location that would have less of an environmental impact.

Prior to the enactment of Act 118, if a factory farm company was planning to develop in a wetland, the DNR mandated that it first take action to avoid wetland destruction and pollution. In the event that harm to wetlands was unavoidable, the DNR would mandate that the company take action to minimize their impact. Only after planning to avoid and minimize all possible pollution and harm could a company achieve a permit for a factory by agreeing to "mitigate," meaning restore wetlands in another location. Under Act 118, companies applying for permits are mandated to include a mitigation plan.³⁸ While this might improve wetlands elsewhere, it will allow pollution from factory farms to contaminate wetlands that would otherwise have been prevented. Encouraging mitigation in the permitting process also makes obtaining a permit – and therefore filling in a wetland – easier.

Agribusiness Is Influential in Wisconsin

Agribusinesses have powerful influence over public officials in charge of looking out for Wisconsin residents and environment. As a result, corporate agribusinesses have used their political clout to encourage the spread of megafarms at the cost of clean water in Wisconsin.

Agribusiness Lobbyists Influence Political Decision Makers

Corporate agribusinesses have a significant lobbying presence in Wisconsin, both through the farmers' organizations that they sponsor and through direct spending to lobby decision-makers.

Agribusinesses have spent a significant amount of money in Wisconsin to influence regulators with influence over the environment. In the past five years, agribusinesses and agribusiness-related organizations spent over \$4.4 million lobbying in Wisconsin. These lobbying expenditures include almost \$200,000 spent by Kraft Foods, more than \$800,000 spent by the Dairy Business Association, and over \$1 million spent by Koch Companies Public Sector between 2007 and 2012.³⁹ (For a list of lobbying expenditures by agricultural corporations and organizations see Appendix B.)

Many of these agricultural companies and organizations are especially powerful because of the significant resources at their disposal. For example,

What Are Agribusinesses?

Agriculture, especially dairy-production, is an important part Wisconsin's economy. In 2011, Wisconsin produced 3 billion gallons of milk, which is 13 percent of the total U.S. production, and 2.6 billion pounds of cheese, which is 25 percent of total U.S. production.⁴⁰

More and more of that milk and cheese is being produced by factory farms that pollute the environment. There is an entire industry of corporations that profit from supplying factory farms with the tools of the trade – from the provision of feed, to the construction of animal pens, to financial services, to the manufacturing of dairy equipment and provision of veterinary services. Still other corporations have an interest in farm policy because they obtain, process and distribute dairy products to consumers.

The interests of these agribusinesses do not always align with – and, in fact, are often directly at odds with – the interests of Wisconsin family farmers. Yet, in many cases, it is these corporations, not family farmers, who dominate the agendas of organizations that describe themselves as representing the interests of all Wisconsin farmers.

Koch Industries has a net revenue of \$115 billion, making it the second largest private business in the country.⁴¹ The corporation's large financial stake in large scale agriculture comes from its subsidiary Koch Agriculture Company, an animal feed processor in Kansas.⁴² After opening an advocacy office in Madison in 2011, Koch Industries spent \$272,787 on lobbying during the 2011-2012 legislative session alone.⁴³

Agribusiness lobbying has directly influenced public policy that puts our waterways at risk and harms Wisconsinites.

- The Dairy Business Association (DBA), Midwest Processors Association and the Wisconsin Bio Industry Alliance lobbied for and won SB 368 (Act 118), discussed earlier.⁴⁴ After Wisconsin responded to drinking water contamination in Kewaunee and Brown counties by creating rules to prohibit manure spraying during winter and to increase oversight requirements for large dairy farms, the DBA and its allies lobbied for and won a provision requiring the state "to finance up to 70 percent of the cost of following the new regulations."⁴⁵
- Kraft, McCain Foods Inc. and the DBA lobbied against and defeated SB 620 and AB 844, which would have strengthened protections for Wisconsin's water by regulating high-capacity wells.⁴⁶ High-capacity wells, which are necessary on sprawling factory farms with thousands of animals, take a serious toll on nearby water resources.⁴⁷

There Is a Revolving Door between Lobbyists and State Officials

Often in Wisconsin, the people entrusted by the public with the task of regulating factory farms are later hired by agribusiness to weaken those same public protections. The "revolving door" between agribusiness and government works in reverse as well, with agribusiness lobbyists taking up key posts regulating their former industries.

Personal connections between regulators and industry make lobbying far more effective. When public officials are lobbied by people who were once friends, allies or coworkers, their arguments often carry special weight. In addition, public officials might exercise their duties with the knowledge that a lucrative lobbying job awaits them when their government careers are over – so long as they don't take actions that unduly antagonize the industry.

Agribusiness interests have been successful in placing their people in senior positions in regulatory agencies. For example, John Petty, who is the administrator for the DATCP Division of Agricultural Resource Management and serves on Wisconsin's Groundwater Coordinating Council, was the executive director of the Wisconsin Agri-Business Association for 13 years.⁵⁵ The Wisconsin Agri-Business Association is a trade group that promotes Monsanto, Mosaic (the largest supplier of phosphate and potash in the world), and Syngenta (a producer of insecticides, fungicides and seeds).⁵⁶

Coming through the revolving door in the opposite direction, many current lobbyists have held government positions and have connections to regulatory agencies. Jeffrey Schoepke, for example, who served as an environmental and agricultural advisor to former Governor Tommy Thompson, is now the regional manager for Koch Companies Public Sector LLC.⁵⁷ These connections are especially strong within the Dairy Business Association (DBA). The DBA's lobbyists include:

- David Jelinski: former Director of Land, Water and Resources Management at the DATCP.⁵⁸
- William McCoshen: former Secretary of the Wisconsin Department of Commerce under Governor Tommy Thompson.⁵⁹
- Shawn Pfaff, who advised Governor Jim Doyle on agriculture and renewable fuels issues.⁶⁰

The Wisconsin Farm Bureau Supports Policies that Are in Line with Agribusiness Interests and Harm the Environment

The Wisconsin Farm Bureau is an influential organization in Madison that has worked to win policies that allow for the spread of factory farms to the detriment of Wisconsin's lakes and rivers. Altogether between 2007 and 2012, the Wisconsin Farm Bureau spent more than \$2 million lobbying on a range of policies, many of which aligned with the interests of corporate agribusinesses.

For example, the Farm Bureau supported the 2003 livestock siting law that took away municipalities' authority to prevent factory farms from coming into and polluting their communities.⁴⁸ Since then, local coalitions – made up of family farmers and other groups – have formed around opposing the siting law and preventing the spread of factory farms.⁴⁹

In addition, the Farm Bureau supports (or supported):

- Act 118, which, as discussed earlier, makes obtaining permits for factory farms in wetlands easier and removes regulations that prohibit the farms from developing and polluting important habitat for birds, fish and other wildlife;⁵⁰
- Redefining “navigable waters” as waterways that are navigable for the majority of the year.⁵¹ This would narrow the scope of the Clean Water Act and leave unprotected water bodies in Wisconsin that do not flow year-round but still feed the drinking water sources for 390,000 residents; and
- Phasing out the Agricultural Chemical Cleanup Program.⁵²

In addition to lobbying, the Farm Bureau has wielded influence by spending hundreds of thousands of dollars on elections, supporting a slate of candidates sympathetic to the Farm Bureau's goals. Altogether, the Wisconsin Farm Bureau Federation, together with its PAC called “Volunteers for Agriculture,” spent more than \$360,000 to influence elections from 2007 to 2012.⁵³

The Farm Bureau has been successful in placing its people in senior positions in regulatory agencies. For example, Jeff Lyon, now Deputy Secretary of the DATCP, was formerly the director of government relations

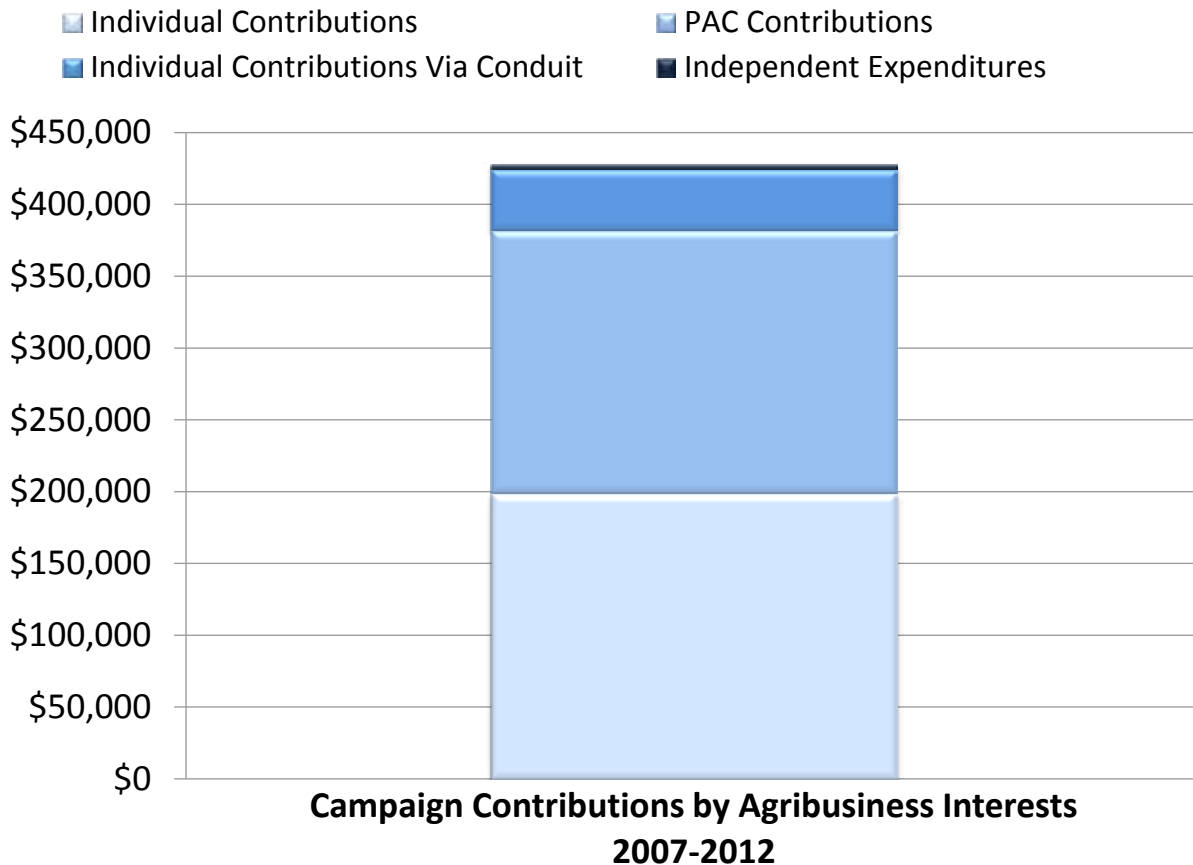
Agribusinesses Contribute Thousands of Dollars to Campaigns

Agribusiness has also gained influence in the state by spending millions of dollars to put their chosen candidates into power. Changes in campaign finance laws have made this easier for corporations, allowing campaign spending to rise in the state. More than three times as much money was spent on state and federal campaigns in Wisconsin in the 2010 and 2012 election cycles as was spent in the 2006 and 2008 election cycles.⁶¹ Even excluding the funds spent on the 2011 and 2012 recall races, spending during the 2010 and 2012 election cycles was more than double the spending during the 2006 and 2008 election cycles.⁶²

Trade groups and corporations, such as the Dairy Business Association, are prohibited from contributing to candidates directly from their treasuries, but their employees can make individual contributions.⁶³ Many agribusinesses and agribusiness-related organizations also have formed political action committees (PACs) and made independent expenditures to increase their ability to influence election outcomes. Corporations also form PACs to collect and distribute campaign contributions.

Between 2007 and June 2012, agribusinesses and corporate-backed agribusiness organizations contributed \$427,000 to Wisconsin political candidates and committees.⁶⁴ (See Figure 4.) This includes \$241,000 in contributions from employees of these organiza-

Figure 4: Agribusiness Interests Contributed More than \$400,000 to Wisconsin Candidates and Committees⁶⁷



tions – either direct contributions to a candidate or contributions via check-bundling conduits set up by an organization – \$183,000 in contributions from PACs associated with these groups, and \$3,000 in independent expenditures.⁶⁵ Some of the biggest contributors were Milk Source Holdings – the largest dairy producer in the state – which spent more than \$180,000, and Koch Industries, which spent close to \$100,000.⁶⁶

It is important to note that these estimates do not include all election spending activities. Some organizations form groups that specialize in election activities that do not tell a voter specifically who to vote for or against – such as negative ads or mailings – so that their activities do not have to be reported to the Federal Election Commission. For example, election spending by “Americans for Prosperity,” another Koch-funded electioneering group, reached more than \$4.5 million in Wisconsin elections between 2007 and 2012.⁶⁸

Agribusiness contributions to candidates have paid off – the thousands of dollars spent on campaigns have helped elect a slate of candidates supportive of agribusiness interests. One of agribusinesses’ biggest champions is Governor Scott Walker, who has supported policies to the benefit the industry, including:

- Successful legislation that slashed protections for Wisconsin’s wetlands in SB 368 (Act 118)⁶⁹; and
- A failed but potentially damaging effort to weaken Wisconsin’s standards for regulating phosphorus, a key by-product of factory farming that contributes to algae blooms. While this would have been a benefit to factory farms, it would have been a huge step backward for healthy water in Wisconsin, and potentially a violation of the Clean Water Act.⁷⁰

While Gov. Walker signed SB 368 into law, he was unsuccessful in creating policy that reduced phosphorus regulations.⁷¹

Corporate Money Backs Key Farmers’ Organizations

Agriculture is a vital industry in the state of Wisconsin, so, naturally, farmers’ organizations have significant influence on laws and regulations in the state. Yet, many of the organizations receive a great deal of their financial support from corporate agribusinesses, which benefit from the spread of factory farms.

The Dairy Business Association (DBA) for example, which is one of the loudest voices for the dairy industry in Wisconsin, is largely supported by corporate agribusinesses. While its website claims the DBA is an advocate for dairy producers “large or small, traditional or modern,” an analysis of the DBA’s membership fees shows that the DBA is dominantly funded by large agribusinesses.⁷²

In 2011, the DBA’s total revenue was \$910,219.⁷³ Meanwhile, membership fees from the DBA’s current corporate members (memberships last for one year) total at least \$523,000.⁷⁴ Companies that contributed at least \$25,000 include⁷⁵:

- ABS, a transnational bovine genetics company;
- Badgerland Financial, which sells loans, insurance and other financial services to farmers in rural Wisconsin; and
- Hasting Mutual, which provides property and casualty insurance to farmers.

Companies that contributed at least \$10,000 include⁷⁶:

- Cargill, which supplies animal feed to farming operations and is the largest private company in the U.S. with a net worth of \$134 billion⁷⁷;
- Merck Animal Health, which supplies animal antibiotics to industrial-scale farms to prevent disease in the tightly packed feedlots and barns where animals are kept.⁷⁸

Policy Recommendations

Wisconsin must ensure that factory farms do not harm Wisconsin's waterways before allowing more to establish or expand.

Wisconsin regulators should ensure that the state's lakes and rivers are protected by strengthening the enforcement of current water regulations and banning practices that harm the state's lakes and rivers and residents' health.

The Department of Natural Resources and Department of Agriculture, Trade and Consumer Protection should more strictly regulate the impacts of factory farms on water quality by:

- Banning the worst practices, including the over-application of fertilizer that leads to pollution of waterways. Regulators should encourage better agricultural practices and consider systemic reforms to ensure that agriculture delivers safe, healthy food without destroying our waterways.
- Banning the practice of aerial manure application, which may expose Wisconsin residents to diseases found in animal manure.
- Regulating more strictly the use of high-capacity wells, which can drain Wisconsin's water resources. The DNR should conduct a thorough assessment of the impact of high-capacity wells on the surrounding area, and not allow these wells when surrounding water resources would be imperiled.
- Continuing to require reductions in discharges to waterways that fail to meet water quality standards through the enforcement of existing laws.

This will ensure that pollution from agribusiness activity does not make waterways unsafe for fishing, swimming and wildlife.

- Maintaining strong standards to eliminate phosphorus pollution, curbing the occurrence and severity of algal blooms that kill fish, destroy wildlife habitat, and contaminate drinking water.
- Tightening rules for inspection and punishing repeated or serious violators of water pollution laws with real penalties, not slaps on the wrist.
- Creating a citizen monitoring system by which residents can report potential violations from factory farms that will be investigated by DNR. State officials should create a web portal through which citizens can submit allegations and review the results of DNR investigations.

The state should empower local governments to regulate factory farms and protect the water in their communities by:

- Giving control of CAFO zoning back to local governments so that municipalities can prohibit factory farms from moving into town if the proposed site is ill-suited to protect the environment from the farm's operations.
- Ensuring environmental transparency by giving citizens access to detailed information about factory farms and other agribusiness facilities in their communities, including information about discharges of pollution to the environment.

Appendix A: Methodology

Calculating Lobbying Expenditures from Agribusinesses and Agribusiness-related Organizations

We used information from Wisconsin's Government Accountability Office website, *Eye on Lobbying*, to narrow down a list of agribusiness interests that are exerting their influence on Wisconsin's regulations and politics.

We first formed a broad list of organizations lobbying on agriculture and water issues by:

- a. Searching under "What Are they Lobbying About?," "Budget Bill Subjects," with the search criteria "Agriculture, Trade and Consumer Protection" and "Natural Resources: Water Quality," for the legislative sessions 2007-2008, 2009-2010 and 2011-2012.
- b. Searching under "Topics" with the "Subject Text" search criteria being "water," "agriculture," "farm," "lake" and "river" for the legislative sessions 2007-2008, 2009-2010 and 2011-2012.

From these results, we narrowed down the list by keeping only those organizations or corporations with a listed "lobbying interest" primarily relating to agriculture or livestock or corporations with subsidiaries that have a vested interest in agriculture or livestock.

We also looked at lobbying on key bills between 2007-2012 relating to water quality protections or to factory farm discharge permits, and added any organizations that lobbied on those bills that also had a listed "lobbying interest" in agriculture or livestock.

For the state trade organizations listed, they were included if a significant share of their membership or funding came from agribusiness interests.

To determine lobbying expenditures between 2007 and 2012 for these organizations, we found total lobbying expenditures for each organization and corporation on Wisconsin's Government Accountability Board website, *Eye on Lobbying*, by searching for the organization under "Lobbying Principals." We recorded the lobbying expenditures for each organization and corporation for the 2007-2008, 2009-2010 and 2011-2012 legislative sessions.

Calculating Campaign Contributions from Agribusinesses and Agribusiness-related Organizations

Using the same list of organizations and corporations (see above for our methodology for creating this list), we obtained campaign contribution information from the Wisconsin Democracy Campaign from 2007 through 2012 for each of the entities listed. Much of this information can also be found using the Wisconsin Democracy Campaign's search tools at www.wisdc.org.

Appendix B: Lobbying Expenditures and Campaign Contributions

Table B-1: Lobbying Expenditures by Influential Agribusinesses and Agricultural Organizations in Wisconsin⁷⁹

Agribusiness Organization	2007-2008 Money Spent Lobbying	2009-2010 Money Spent Lobbying	2011-2012 Money Spent Lobbying	Total Spent Lobbying 2007-2012
Koch Companies Public Sector, LLC ⁸⁰	\$259,529	\$396,234	\$349,652	\$1,005,415
Cooperative Network Association (formerly Wisconsin Federation of Cooperatives)	\$212,397	\$470,822	\$199,147	\$882,366
Dairy Business Association	\$217,238	\$360,365	\$261,089	\$838,692
Midwest Food Processors Association Inc.	\$104,020	\$123,570	\$133,890	\$361,480
Kraft Foods Global	\$75,867	\$77,869	\$42,847	\$196,582
Nestle Waters North America	\$126,883	\$33,233	\$4,318	\$164,434
WI Bio Industry Alliance	\$22,500	\$110,500	\$26,650	\$159,650
McCain Foods USA Inc.	\$79,935	\$27,080	\$22,051	\$129,066
Wisconsin Cheese Makers Association	\$37,515	\$47,848	\$39,600	\$124,963
Monsanto	\$43,400	\$40,475	\$18,550	\$102,425
CropLife America	\$39,484	\$29,800	\$19,950	\$89,234
WI Fertilizer and Chemical Association ⁸¹	\$82,554	\$2,293	\$0	\$84,847
Wisconsin Dairy Products Association Inc	\$19,125	\$37,006	\$18,496	\$74,627
Wisconsin Agribusiness Council	\$22,193	\$26,808	\$24,492	\$73,493
Gold n'Plump	\$20,125	\$25,737	\$18,585	\$64,447
Wisconsin Crop Production Association ⁸²	\$0	\$0	\$1,981	\$1,981
Total	\$1,362,765	\$1,809,639	\$1,181,297	\$4,353,701

Table B-2: Campaign Contributions by Influential Agribusinesses and Agricultural Organizations in Wisconsin from 2007 to 2012⁸³

Agribusiness Organization	Individual Contributions ⁸⁴	PAC Contributions	Individual Contributions via Conduit ⁸⁵	Independent Expenditures ⁸⁶	Total
MilkSource	\$184,250	\$0	\$0	\$0	\$184,250
Koch Companies Public Sector LLC	\$250	\$96,650	\$0	\$2,672	\$99,572
Cooperative Network Association	\$1,427	\$66,168	\$0	\$0	\$67,595
Dairy Business Association	\$1,000	\$6,000	\$41,840	\$0	\$48,840
Monsanto	\$450	\$13,350	\$0	\$0	\$13,800
Kraft Foods Global	\$4,958	\$0	\$0	\$0	\$4,958
Murphy Oil USA	\$2,350	\$1,250	\$0	\$0	\$3,600
Midwest Food Processors	\$1,875	\$0	\$0	\$0	\$1,875
Nestle Waters North America	\$928	\$0	\$0	\$0	\$928
Gold'n Plump	\$800	\$0	\$0	\$0	\$800
Wisconsin Agribusiness Council	\$0	\$0	\$650	\$0	\$650
McCain Foods USA	\$500	\$0	\$0	\$0	\$500
Total	\$198,788	\$183,418	\$42,490	\$2,672	\$427,368

The individual contribution totals are for 2007 through June 30, 2012 and the PAC contribution totals are for 2007 through December 31, 2012.

Notes

1. Ron Seely, "Who's Watching the Farm? In Deciding Where Farms Go, Communities Find They May Have to Battle the State," *Wisconsin State Journal*, 2 March 2010.

2. Ron Seely, "Who's Watching the Farm? Dairy Lobbyists Shape Policy," *Wisconsin State Journal*, 28 February 2010.

3. Ibid.

4. Department of the Treasury, Internal Revenue Service, *Form 990 – Dairy Business Association*, 2011, downloaded from *Guidestar.com*, 9 May 2013.

5. \$523,000: contributors from: Dairy Business Association, *About Us*, 2012, downloaded from www.widba.com/sponsors, 30 April 2013. Values of contributions from Dairy Business Association, *Corporate* (brochure), downloaded from www.widba.com/join-dba, 9 May 2013; Memberships last for one year: Dairy Business Association, *Membership*, downloaded from www.widba.com/about-us/membership, 1 October 2013.

6. Dairy Business Association, *Prestigious Sponsors*, downloaded from www.widba.com/sponsors/prestigious, 20 May 2013.

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10. There were 544 distinct water bodies listed: Wisconsin Department of Natural Resources, *Wisconsin's 2012 Proposed Impaired Waters List*, 4 February 2013, downloaded from dnr.wi.gov/topic/impairedwaters/2012ir_iwlist.html, 23 April 2012.

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65. Conduits are legal check-bundling operations established to circumvent PAC contribution limits. Any individual can set up an account with any conduit and designate at any time how much he or she would like to contribute to a candidate. The individual must abide by individual contribution limits dictated by the office the candidate is vying for, but the conduit is allowed to collect all of the individual contributions for a given candidate and present it to the candidate in one large check.

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78. Merck Animal Health: Merck Animal Health, *About Us*, 1995-2009; The use of antibiotics and CAFOs: Tom Philpott, "The Meat Industry Now Consumes Four-Fifths of All Antibiotics," *Mother Jones*, 8 February 2013.

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80. In 2007-2008, this lobbying information is under "Flint Hill Resources," formerly Koch Industries Inc., now a subsidiary of Koch Industries.

81. Wi Fertilizer and Chemical Association became the WI Crop Production Association.

82. Ibid.

83. "Contribution and Election Spending Activity by Agriculture Organizations," obtained from Michael Buelow, *Wisconsin Democracy Campaign*, personal communication, 24 April 2013.

84. These contributions represent contributions made by employees of the organization. Trade groups and corporations are prohibited from making direct contributions to Wisconsin candidates from their treasuries. These entities can establish PACs to make contributions to candidates, and individual employees can make contributions directly to candidates.

85. These totals represent individual contributions made through a group's conduit. Conduits are legal check-bundling operations established to circumvent PAC contribution limits. Any individual can set up an account with any conduit and designate at any time how much he or she would like to contribute to a candidate. The individual must abide by individual contribution limits dictated by the office the candidate is vying for, but the conduit is allowed to collect all of the individual contributions for a given candidate and present it to the candidate in one large check.

86. Independent expenditures are spending by an organization's corporation or PAC made to explicitly support or oppose a candidate during an election. These expenditures may not be coordinated with the candidate's campaign. Most often independent expenditures are broadcast advertising or mailings to praise or smear a candidate. Organizations can raise and spend as much as they want to make independent expenditures, but this activity must be reported to the state.

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