



The DBA Government Affairs Committee recently hosted a roundtable discussion with two state lawmakers, Sen. Rob Cowles and Rep. Joel Kitchens.

dairy Forward

The official newsletter of the Dairy Business Association

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Member-driven policy is the heart of DBA

By John Holevoet, director of government affairs



DBA's Government Affairs Committee has members from across the state and generally meets via conference call once per month. In mid-October, the group met in person at the Wisconsin State Capitol. The meeting was another

great example of how DBA's policy work is member-driven.

Getting the group together allowed some members to meet each other face-to-face for the first time. That is good for building a more cohesive committee and it will help members open up more on future calls. At the same time, we were able to combine our

normal business meeting, which consists of updates on our current lobbying work and discussion of new bills or emerging issues, with some direct lobbying by committee members.

The group had a roundtable discussion with two lawmakers, Senator Rob Cowles (R – Green Bay) and Representative Joel

(continued on page 2)

Policy Radar:

A glance at issues DBA is tracking. View the complete list of legislative priorities at dairyforward.com

ATCP 51 revision – The public comment period has ended on proposed revisions to Wisconsin's livestock facility siting rule, ATCP 51. Final changes will be submitted to the DATCP Board on Nov. 7. The rule, as currently drafted, negatively impacts farms seeking to expand existing farms or build new facilities.

Labeling – Senate Agriculture Committee Chairman, Howard Marklein (Spring Green), along with Assembly co-author Travis Tranel (Cuba City) and Lauren Oldenburg (Viroqua) have introduced three bills which address unfair labeling practices used by plant-based and other non-dairy and meat producers. The bills apply individually to meat, dairy products and milk. There is some bipartisan support and Sen. Marklein held a public hearing in his committee on Thurs. October 24.

MAC Credit – DBA testified in favor of Senate Bill 387 in October. The bill will expand eligibility for the Manufacturing & Ag Tax Credit (MAC) to include crop insurance receipts. The current law definition of "gross production receipts" only includes commodity sales. But when farmers' crops are destroyed due to circumstances beyond their control, the crop insurance payment cannot be claimed under credit. SB 387 changes that. The bill was scheduled to be voted out of committee in late October 🇺🇸

(continued from page 1)

Kitchens (R – Sturgeon Bay). Both served on the Speaker's Task Force for Water Quality. They are also the co-authors of SB 91, a bill that would create a water quality credit clearinghouse to make trading such credits easier. DBA has been a longtime supporter of that bill. We see it as a way to build partnerships for water quality and help fund farmer-led conservation projects.

The committee got to discuss water quality concerns and the water quality trading bill directly with its authors. There was also a lively question-and-answer session with questions being asked by the lawmakers and committee members alike. Topics included the state of the farm economy, global dairy trade, farm labor concerns and challenges posed by the weather.

Following our business meeting, the committee members and DBA President Tom Crave, divided up into two groups and did office visits throughout the Capitol with DBA staff. We talked with lawmakers about the proposed revisions to the livestock siting rule and the new targeted performance standard for nitrates that Governor Evers is seeking. We also talked about legislative priorities that are still left unfinished. These included the water quality trading bill mentioned above; new bills to safeguard the proper labeling of milk, dairy products and meat; and proposed legislation to create a driver's permit for non-citizens.

One other bill that we talked about during our meetings would ensure that the formula for calculating the manufacturing and ag tax credit also includes crop insurance payments. I'm singling out this legislation for particular attention because it is an idea that grew out of comments we heard from DBA members at a policy picnic a year ago. We put those members in touch with a lawmaker that we thought would be helpful in addressing the problem. Now, we have a



Julie Maurer from Soaring Eagle Dairy and DBA President Tom Crave at a Government Affairs Committee meeting at the State Capitol in October.

bill that's been introduced and is making its way through the legislature.

After 14 meetings, the two groups reunited to debrief and share insights gathered from their conversations. Government Affairs Committee members discussed how some of the feedback we received from lawmakers might shape our talking points and priorities going forward.

I appreciate this group giving of its time to help us lobby at the Capitol. Even more important is the input they provide throughout the policy formation process. At DBA, there is a no black box where policy decisions are made in secret. Instead, we rely directly on our members to help us determine what our priorities should be and how we should go about accomplishing our goals. When we lobby on an issue, there are normally several different decision points. At each of them, member input is invaluable. If you are interested in being more involved with our government affairs work, please contact me. We want to represent you well, but that means we need to hear your feedback regarding the work we do. 🇺🇸

Farmers: Lawmakers want to hear from us

By Amy Penterman, vice president



Hello DBA members! I'm Amy Penterman, and I serve as vice president for DBA. My husband, Sander, and I milk 850 cows on our farm in Thorp in Clark

County. For the past 22 years, I've also worked out of my home as a crop insurance agent. It hasn't been easy the past few years to say it mildly. We have faced many challenges.

The confidence that I have in DBA to look out for us farmers is a source of comfort. The general population and lawmakers alike don't understand our lifestyle and the issues that come along with it. DBA is advocating

for us and telling our story, from regulation, to labeling, to tax laws. The dedication from staff to fight for farmers gives me hope and reassurance someone has our best interests in mind every single day!

I've had the opportunity to testify at public hearings several times over the past few months. Through this experience, I see how much our lawmakers rely on us, the farmers, to let them know what is happening at our farms. They need to hear from us, they WANT to hear from us.

During public testimony, lawmakers ask questions and get an understanding of the many different issues farmers experience across the state. DBA has members from

dairies of all sizes and management philosophies that bring a unique perspective to our organization and to our lawmakers.

My biggest misconception was lawmakers only hear what they want to hear; This is FALSE. They're knowledge (or lack thereof), is based on who talks to them. This is why it's so important to be there educating them. From the work we do daily, to the struggles we face within our communities, and they want to hear the successes we have too. Farmers are the backbone of our state.

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During stressful, tough times, it's easy to just retreat and block out the world, but this is the time to stand up and let our voices be heard.

Although it can be intimidating, the staff at DBA is there to help you along the way. It is important to speak

up, or the wrong people will be speaking for us. Farming is a way of life, there is so much pride in doing what we do. Through good and bad times, we keep our chins up and do what we do best. 🇺🇸

Sincerely, Amy



Welcome New Members

AQUA Innovations
 Parnell Living Science
 Wipfli



Skyler Buman of Nichols Hill Dairy LLC won Ron's cheese for a year at the DBA Golf Outing. Skyler's daughter approves!

Upcoming Events

Webinar: Visa options
 Nov. 19 » Online

Webinar: Personhood & animal rights litigation
 Dec. 17 » Online

Dairy Day at the Capitol
 Jan. 21 » Madison

Dairy Strong conference
 Jan. 22-23 » Madison
 Register at dairystrong.org

For more details and to register for our events, check out dairyforward.com/events



By law, if you damage the road, you are liable to the local jurisdiction for up to triple the actual damages.

Wisconsin's Injury to highway law

Three steps to help protect yourself and mitigate future damage



By Aaron Stauffacher,
associate director
of government affairs

Year after year, it seems like the same spots on the same town and county roads are being patched. But new roads require funds that local governments don't have. At the same time, the ag equipment we use has gotten larger and heavier. While many people benefit from using the local roads, some are quick to cast the blame for worsening roads on our agriculture equipment. As local roads grow worse, funds diminish, and pressure increases to make visible users of the road pay the price.

When I first joined DBA, the Implement of Husbandry (IOH) bills were center stage. These laws provided a method for local governments to monitor heavy traffic on its roadways. The IOH laws did not, however, modify existing authorities to protect roadways from damage.

Local governments can place seasonal or special weight restrictions on deteriorating roads. Some may even try to strong arm roadway users into some kind of road agreement. Each pose a major headache in themselves, but you will most likely be aware of the underlying circumstances before starting a job.

The Wisconsin Injury to Highway statute provides local governments a strong tool

to go after roadway users who cause damage to a road after the fact. Over the past few seasons, we have seen an increasing number of jurisdictions threaten its use. This statute should not be ignored, especially if some of the roads you happen to be operating on are in bad shape.

Wis. Stat. § 86.02 Injury to highway. Any person who shall injure any highway..., or by any other act, shall be liable in treble damages, to be recovered by the political division chargeable with the maintenance of highway injured, and the amount recovered shall be credited to the highway maintenance fund.

To be more than a veiled threat, the locality must use the law correctly and probably have good evidence to prove that you did, in fact, damage the road. This will most likely bode well for you, but the locality does have a strong bargaining position. Under the law, not only would the person or entity who caused the damage be liable for the damage caused, but the law allows for treble damages which can be up to triple of that amount. To avoid that expense or to help fend off the threat of an injury to highway action hanging over your head, here are three things you may want to consider:

1. Examine the road before you start hauling.

Although it's common knowledge, do your due diligence. Before you start a task that will require multiple trips to and from a location, it's good practice to examine the roadways that will be traveled. If you use a custom operator to harvest crops or haul manure, encourage them to do the same.

2. Educate yourself.

Find out if there are any past road damage issues in the jurisdiction where you are working. The more issues you hear about, the more thorough you will want to be in documenting road conditions before and after uses.

3. Document existing damage.

Pictures, video and notes are a few examples of what some farmers have done to prove the roadway was already damaged. Documenting others' uses of the road may also help alleviate blame as well. Wet conditions this fall have led to more traffic and a greater emphasis on keeping roads clean, which creates the potential for

additional damage.

Even in the off season, if you see road damage, make sure to get a photo or video for your records.

By taking some of these steps, you may realize that your use *is* causing some damage to the road. You should tailor your operations to mitigate any further damage.

As stated earlier, the impetus for any animosity between local government and roadway users may be the lack of funding available to fix local roads. Transportation funding has been a sticky issue in Madison for a while now. In recent years, lawmakers have been cautious about passing any revenue increases but have settled for increased borrowing and focused spending.

The transportation funding debate came

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to another head this spring as the state budget proposal was being crafted and wrapped up this summer. Throughout this process, DBA advocated for a sustainable, long-term transportation funding solution that includes local road projects.

Gov. Evers 2019-20 budget includes increased transportation aids and a one-time allocation of \$75 million into a local road improvement program divided up between towns, counties and municipalities. We are hopeful rural local governments will take advantage of these funds.

There are two major priorities for road funding: 1) a long-term sustainable solution and 2) ensuring that rural roads and infrastructure are not forgotten in the discussion. This budget makes some improvements and rural roads were singled out for additional dollars, but more could have been done. Ultimately, we are still looking for the long-term strategy that our state needs.

We encourage you stay informed about the conversations about the roadways that are being had in town halls and county board rooms in your areas.

Contact Aaron at (608) 482-2438 or astauffacher@dairyforward.com 



Document any existing damage to roads before you start hauling. Photos have been used to help alleviate blame.

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Paul Frost Farms: Being the next generation

Paul Frost began dairy farming in the late 1980s, after a landowner would only rent him their tillable acres if he agreed to run the dairy that came with it. Paul had to milk cows in the 40-cow dairy barn that had been long unused. In 1996, they built on the current site in Waterford, Wis. Over the next few years, they grew the farm to 675 cows.

Unfortunately, Paul became sick in 2008 and passed away in 2016. Over time, the Frost family formulated an estate plan that allowed them to continue farming. Through this process, Stewart and Spencer learned valuable lessons being the next generation.

DBA: *What advice from previous generations has impacted you most?*

Paul Frost Farms: Paul used to say that cows give milk recreationally, so give them everything they need to be happy and they will reward you. He also felt it was extremely important to feed your own cows. It is an important job and plus it keeps you connected to your herd and your employees every single day. Paul, Stewart or Spencer have fed all but seven days since 1996.

DBA: *Who are the key people who helped with the transition?*

Paul Frost Farms: Having a good lawyer and accountant is key in a transition. Our lawyer, George Twohig, was very knowledgeable and propelled the conversation forward with his straightforward nature. The staff at CLA were very thorough and helpful as well.

DBA: *What were some major challenges during the transition?*

One thing to remember if your estate plan involves life insurance, you are ensuring the transition takes place immediately following a family tragedy. It's best to have everything well planned out in advance because there



From left: Stewart, Paul and Spencer Frost. The farm transitioned to Stewart and Spencer in 2016.

is a lot going on. We are thankful for the planning we had completed, but there was still a lot of family decisions that could have happened sooner.

DBA: *What surprises did you experience during the transition?*

Paul Frost Farms: Extra costs. Appraisals, title work, accounting, legal, bank fees... It never seemed to end. If we had to go through it again, we would leave the farm more liquidity to deal with those costs.

DBA: *What advice do you have for a farm working on their succession plan?*

Paul Frost Farms: Start now. Be realistic. Speak frankly. Give the farm the liquidity it needs to survive, even if it means not completely buying out family members immediately.

DBA: *What are you most proud of on your farm?*

Paul Frost Farms: We are very proud of our cows and employees. Many of our employees have been with us for over a decade and we have had a somatic cell count below 100 for several years. We also take pride that we were able to work hard enough to have the ability to buy the farms around us to ensure they stay in agriculture and that "the island" we have built will ensure that our family will be able to farm into the future. 🇺🇸

DBA delivers details on proposed rule changes

By Mary Hookham for Dairy Business Association

As farmers flocked to World Dairy Expo last month in Madison to see the best cows and latest technology from around the world, many of them who are members of the Dairy Business Association also got a look at potential regulations that would affect what happens on farms.

"We have to be very mindful of what goes into these rules for our farmers," Aaron Stauffacher, associate director of government affairs for DBA, told several dozen members during an administrative rule roundup session.

Stauffacher and John Holevoet, director of government affairs, detailed proposed changes to three administrative rules: ATCP 51, a livestock facility siting rule; NR 151, a runoff management standard; and NR 243, a confined animal feeding operation regulation. They also answered members' questions about the practical impact of the changes.

Jay Stauffacher, a dairy farmer in Darlington, was particularly interested in the facility siting rule. He is concerned that if he wanted to expand his herd, he might not meet the proposed setback requirements, which would dramatically increase from the current standards.

He also took note of issues related to feed storage runoff, the use of vegetative treatment areas and clean groundwater. During the process of becoming a CAFO, he said his family wasn't allowed to use vegetative treatment areas, which serve as filters to keep nutrients in the soil and out of the water. Instead, the farm is required to collect all the water and leachate from the storage facilities.

"With the amount of rain we've had just

in September and now into October, that's put so many more gallons into my manure storage that I have to pay to have spread out on the field," he said. "And I'll be restricted on the gallons I can spread on each field because the ground is so saturated, so I'll need to find more land to spread it on."

Anne Marie Elwing, a dairy farmer from De Soto, said she values the legislative work of DBA and appreciates receiving the most updated information at meetings.

"They're such a good outreach for me if I have questions or if I'm working on a project," Elwing said. "I feel like I get very good, concrete data from them and they're very accessible."

Jay Stauffacher agreed.

"DBA does a great job of being aware of the landscape that affects farmers," he said.

Aaron Stauffacher and Holevoet also encouraged members to participate in the rulemaking process by talking to their state legislators and testifying at public hearings. They said lawmakers need to know how these rules affect things day in and day out at the farm level.

Members can learn more about how to get involved by contacting Holevoet at jholevoet@dairyforward.com. 



More than 60 members attended the Administrative Rule Roundup luncheon at WDE.

Save the date: Dairy Day at the Capitol - Jan. 21



By Chad Zuleger,
Associate director of
government affairs

Dairy Day at the
Capitol is set for Jan.
21 and will be held

in conjunction with our annual Dairy Strong conference. Dairy Day is about you!

Next year is an important year for Wisconsin animal agriculture. There are several proposals pending before a legislature expected to adjourn in March. Before they leave Madison for their homes and campaigns, they will consider legislation and rules that will impact the broader dairy community; legislation that will ensure labeling is truthful and transparent - milk is milk - and, policy that is both environmentally sensible and farmer friendly. Lawmakers need to hear from you on these issues and more.

Making 2020 even more important in Wisconsin, our state will be in the national spotlight as election season approaches - sooner than any of us like. The Democratic National Convention will be held in Milwaukee July 13-16. All eyes are on Wisconsin and agriculture has a powerful voice, now more than ever is the time to speak up.

Join DBA members and staff at the state Capitol in Madison, Tuesday, Jan. 21 as we discuss policy challenges and opportunities. Learn more and register at dairyforward.com 



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Dairy Strong conference

Jan. 22-23 in Madison



By Maria Woldt,
director of member
communications
and events

**Intense, entertaining,
worth it!**

These three words embody the Dairy Strong conference. As DBA's capstone event of the year, our diverse program of events will inspire you. You'll learn about new technologies, get updates on dairy policy and network with fellow farmers and industry reps.

Farmers at Dairy Strong are leaders, decision makers, owners and managers.

They are progressive in their business practices and buying decisions. They *lean in* to technology.

We have an all-star line up with keynote speakers like Dr. Kate Darling, an expert in human-robot interaction and Brett Scottio, a former Army Intelligence Officer. Plus so many more.

Access the full conference agenda and register at dairystrong.org. Don't delay because fees increase on Jan. 1 and hotels fill quickly. Booth space and select sponsorships are still available.

Questions? Contact me at mwoldt@dairyforward.com or (608) 577-4345. 



Conference DETAILS:

- » Jan 22 - Jan. 23
- » Monona Terrace
Community & Convention
Center
- » Madison, Wis.
- » [Register at dairystrong.org](http://dairystrong.org)