



## *Sierra Club*

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*Kansas Chapter Agriculture Committee*  
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### **To the Senate Agriculture and Natural Resources Committee,**

### **Testimony on SB 405 by Craig Volland, Chair of Agriculture Committee, Kansas Chapter Sierra Club for Tuesday, Feb 13, 2018**

#### **"Tyson Bill" Puts Rural Kansans Health at Risk**

1. K.S.A. 65-171d sets an animal unit conversion factor of 0.01 per au. for broiler chickens regardless of waste handling system. This means any production site with over 99,999 broiler chickens must be *4000 feet from the neighbors*.
2. Tyson had planned to site *400 barns in sets of 4 to 6 barns each within 30 miles of Tonganoxie.\** At 29,000 chickens each they could place only 3 barns at each site to achieve a lesser setback distance of 1/4 mile (1320 ft.) to the nearest residence. At Tyson's low pay per chicken, contract producers apparently can't make enough money with just three barns to repay the high debt from building costs. Note that the 30-mile radius Tyson specified is contrary to the 60 to 70 miles you heard from the KSU poultry specialist.
3. The 4000-foot separation distance also meant Tyson would have a harder time finding space between rural homes and would have to negotiate with more neighbors to obtain waivers.
4. So here we are, just a few months after the Tonganoxie episode, we find this bill to add a new conversion factor of only 0.003 au's per bird for operations using dry handling of manure. What a coincidence! The Tyson Bill will allow 11 barns with up to *333,000 chickens to be placed at a single location*, more than 3 times the existing rule of 100,000 chickens, and still stay within a quarter mile (1320 ft.) setback. That's 3 times more manure and air pollution.
5. Thus the new bill will allow poultry giants like Tyson to cram many more chicken production barns into the suburban and rural area immediately surrounding their slaughterhouse. This high density also means your constituents will end up behind many more big polluting trucks on narrow rural roads.
6. You heard the KSU poultry specialist say that runoff to surface water is not a problem anymore because operators are required to follow a strict Nutrient Management Plan

(NMP). But operators with 4 barns at 29,000 birds each or 5 barns with 24,999 birds each do not need a federal permit and an NMP. They need only file a KDHE Waste Management Plan with far fewer requirements. Less oversight of manure disposal means more pollution of our streams.

7. In fact, if an operator filled his four barns with just under 25,000 birds each, *he could get under the 300 animal units threshold and avoid filing for any permit at all!* No separation distance is specified, so he can put his barns anywhere.

8. Separation distances exist to protect the health and quality of life of neighbors of large animal confinements, and to prevent loss of property value. It's all about odor and air pollution, such as fine particles and feathers coated with manure and bacteria.

### **The Central Issue Is:**

What are the health impacts and quality of life effects of living only 1/4 mile from *333,000 chickens or maybe just 100 feet from 99,999 chickens*. KDHE doesn't know and KSU doesn't know.

Before throwing a dart at the wall, the legislature should commission a study to find out. The Kansas Health Institute conducted such a study on large hog and dairy operations in 2015. The Johns Hopkins University Bloomberg School of Public Health has studied health impacts from animal confinements for many years.

Based on the substance of SB 405, the residents of Tonganoxie and residents of Leavenworth and adjacent counties had every right to be alarmed with the prospect of a massive broiler production network so close to their homes. While it is understandable that some Kansas leaders would like to bring in new industry, KDHE and the legislature have not yet shown the same concern about protecting the health and property values of the people of Kansas.

Sincerely,

Craig S. Volland  
Chair, Agriculture Committee  
Kansas Sierra Club

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\*Handwritten notes from Aug. 31, '17 meeting including Tyson, KDHE and KDA that we obtained by open records request. A copy is attached for your convenience.