

SS SB 391 -- AGRICULTURAL OPERATIONS

SPONSOR: Bernskoetter (Haffner)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Agriculture Policy by a vote of 18 to 6. Voted "Do Pass" by the Standing Committee on Rules - Administrative Oversight by a vote of 6 to 3.

This bill changes the laws relating to agricultural operations.

JOINT COMMITTEE ON AGRICULTURE

The bill creates the Joint Committee on Agriculture to study the economic impact of Missouri's agricultural industry in the state, the agricultural industry's ongoing efforts to improve environmental stewardship while improving the economic sustainability of Missouri agriculture, ways to create incentives to encourage members of the agricultural industry to adopt best practices to scientifically address Missouri's carbon footprint, and Missouri residents' views on agricultural issues. The committee must prepare a report of its activities for submission to the General Assembly. The report must be submitted no later than January 15th of each year in which the General Assembly convenes in regular session, starting with the year 2021.

The committee dissolves on January 15, 2024.

CONCENTRATED ANIMAL FEEDING OPERATIONS

Under this bill, any orders, ordinances, rules, or regulations promulgated by county commissions and county health center boards may not impose standards or requirements on an agricultural operation and its appurtenances that are inconsistent with or more stringent than any of law, rules, or regulations relating to the Department of Health and Senior Services, environmental control, the Department of Natural Resources, air conservation, and water pollution.

Currently, notice of intent to file an application for an operating permit for a new or expanded facility is sent to property owners within 1.5 times the buffer distances for concentrated animal feeding operations provided in law. The bill requires that notice be given to property owners located within three times of such buffer distances and that the notice be sent by certified mail.

Construction on a new or expanded facility may not begin until the Department of Natural Resources has issued an operating permit to the owner or operator of such facility.

Currently, the administrators of the Concentrated Animal Feeding Operation Indemnity Fund may only expend moneys in the fund for animal waste lagoon closure activities on real property where the state, county, or municipal government, or an agency thereof, has made reasonable and prudent efforts to sell said property to a qualifying purchase. The bill allows money to be expended for animal waste lagoon closure activities on real property where the state, county, or municipal government, or an agency thereof, has made reasonable and prudent efforts to remediate the property.

All liquefied manure from a concentrated animal feeding operation that is purchased or received by a third party and is surface-applied must maintain an application setback of at least 50 feet from a property boundary, 300 feet from any public drinking water lake, 300 feet from any public drinking water intake structure, 100 feet from any perennial and intermittent streams without vegetation abutting such streams, and 35 feet from any perennial and intermittent streams with vegetation abutting such streams. If the Department of Natural Resources promulgates rules providing for a distance requirement for the application of liquefied manure from a concentrated animal feeding operation that are stricter than such setbacks, such rules apply to the spread of all liquefied manure under these provisions. Any violation is subject to the penalties set forth in the Missouri Clean Water Law for unlawful acts.

PROPOSERS: Supporters say that the Department of Natural Resources promulgates rules related to animal agriculture that are based in science and are protective of the natural resources of the state. Currently, several counties across the state have passed health ordinances that go beyond the department's regulations and are not written by experts in environmental protection and animal agriculture. This bill would ensure consistent laws across the state based in science.

Testifying for the bill were Senator Bernskoetter; Missouri Dairy Association; Missouri Farm Bureau; Drew Lock; Robert Alpers, Missouri Soybean Association; John Bryan, Missouri Poultry Federation; Mike Moreland, Missouri Corn Grower Association; Gary Tompkins; Matt Hardecke; Brandon Kliethermes; Jeff Houts, Farm Credit System (FCS) - Financial; Missouri Bankers Association; Associated Industries of Missouri; Jim Howerton, Howerton Farms/Reliance Fork; Randall Rodgers; Missouri Animal Husbandry Association; Missouri Federation of Animal Owners; Robert Alpers; Jo Manhart; Todd P. Hays; Missouri Chamber of Commerce & Industry; Travis Merrick; Travis Brinker; and Scott G. Hays.

OPPOSERS: Those who oppose the bill say that 20 counties in Missouri have county health ordinances, which were put in place by

local elected officials in response to community concerns. This bill would restrict and preempt local control. Local communities should have the ability to set higher standards for protection of the natural resources and resident health.

Testifying against the bill were Missouri Rural Crisis Center and Sierra Club Missouri Chapter.