

A CALL TO ACTION:
The New Mexico Dairy Industry Needs Your Help!

The Dairy Industry Group for a Clean Environment (DIGCE) needs your help to save the dairy industry in New Mexico! The New Mexico Environment Department (NMED) has proposed new regulations for New Mexico's dairies that could deal a crippling blow to dairies across the state. NMED's proposed regulations do not reflect the best available science for environmental protection. Meanwhile, dairies are struggling with record low milk prices, and NMED's proposed regulations would substantially increase environmental compliance costs for New Mexico's dairies. With the dairy industry accounting for over \$2 billion in economic activity to New Mexico, it is estimated that about half of existing dairies in the state would be required to close if NMED's proposed regulations are implemented.

Dairies are the most regulated agricultural industry in the nation, and they have always worked with and supported reasonable regulations in order to provide a safe glass of milk to our children. NMED's proposed regulations are unreasonable, and the message is simple: **"DON'T REGULATE OUR DAIRY INDUSTRY OUT OF THE STATE!"**

If you are concerned with the potentially devastating impacts of NMED's proposed regulations, please make your voice heard! The New Mexico Water Quality Control Commission (WQCC) will start hearings on NMED's proposed regulations on April 13, 2010, in Santa Fe, New Mexico. You can help by taking one or more of the **"ACTIONS"** set forth in the table below. Materials to assist you are attached.

The dairy industry sincerely thanks you in advance for your assistance! DIGCE is a cooperative effort between the Dairy Farmers of America (DFA), Dairy Producers of New Mexico (DPNM), and a whole host of dairy producers from across the state. If you have any questions on how you can help the dairy industry, please call Water Bradley with DFA at (575) 762-4528 or Sharon Lombardi and Beverly Fikse with DPNM at (575) 622-1646.

ACTION	MATERIALS NEEDED	TIPS	TIMING
Spread the Word by Conversations, E-Mails, Letters, & Letters to the Editor	<ul style="list-style-type: none"> • Fact Sheet • Talking Points 	<ul style="list-style-type: none"> • Target elected leaders (Governor, legislators, county commissioners, city councilors) • Target to your associates, key opinion leaders, and newspapers 	As Soon as Possible
Write Letter to WQCC	<ul style="list-style-type: none"> • Sample Letter 	<ul style="list-style-type: none"> • If possible, personalize letter • Describe impact to you and your community 	Before April 13, 2010
Speak Before the WQCC	<ul style="list-style-type: none"> • Talking Points 	<ul style="list-style-type: none"> • If possible, personalize comments • Describe impact to you and your community 	April 13, 2010; call WQCC at (505) 827-2425 for time and location
Adopt a Resolution	<ul style="list-style-type: none"> • Model Resolution 	<ul style="list-style-type: none"> • Target local governments, business associations, and chambers of commerce 	As Soon as Possible

FACT SHEET:

NMED Proposes New Environmental Rules that May Cripple the Struggling Dairy Industry

The New Mexico Environment Department (NMED) has proposed new regulations for New Mexico's dairies that could deal a crippling blow to dairies across the state. Dairies already are struggling with low milk prices resulting in financial losses and dairy closures. NMED's proposed regulations would substantially increase environmental compliance costs for New Mexico's dairies, yet NMED's proposal does not reflect the best science available for environmental protection within the dairy industry.

The dairy industry has advocated for dairy rules to address what dairy farmers have seen as arbitrary permit requirements imposed in the past. In 2007, the Dairy Industry Group for a Clean Environment (DIGCE) was formed to discuss clarifications to the regulations. DIGCE's objective is a set of regulations that establish predictable requirements to protect ground water that allow dairies to plan for the future. Ultimately, the dairy industry achieved passage of legislation in 2009, Senate Bill 206, which amended the Water Quality Act to require NMED to adopt new regulations for dairies.

While DIGCE recognizes that ground water protection is vital, the methods required for ground water protection under new regulations must be proven, using sound science, to be effective and achievable within the industry. The legislation established an advisory committee of experts to advise NMED on the science of ground water protection for dairies and the best reasonable and proven methods feasible for the dairy industry. NMED, however, developed its own set of draft of regulations and conducted a series of public meetings on that draft before the advisory committee was formed. NMED then rejected most of the advice given by the industry experts on the advisory committee. Consequently, the regulations recently proposed by NMED have changed very little, in substance, from its very first draft.

NMED's proposed regulations would impose strict new requirements for new dairies that are more stringent than regulations adopted by any other state without establishing the necessary scientific foundation. Many dairies would be required to install expensive double-liner systems for wastewater impoundments similar to those required for hazardous wastes, even though no state has ever required them for dairies. Clay liners, allowed under recent regulations adopted in neighboring states, would be banned in New Mexico. The rules would impose one-size-fits-all requirements such as expensive water meters and devices on irrigation wells that are not compatible with center-pivot sprinklers. NMED proposes that dairies employ storm water control requirements adopted by the City of Albuquerque for its residential areas.

While many of NMED's proposed requirements have never before been required even for new dairies, NMED also proposes to require existing dairies to upgrade to meet the requirements for new dairies if any ground water quality standards are exceeded in monitoring wells located at the dairies. No evidence that any drinking water well could be impacted is required before the new requirements are imposed. Most dairies are located in agricultural areas where shallow ground water has been impacted by several decades of human activity, including farming, and where only deeper, clean aquifers are used for drinking water. Indeed, NMED has identified septic systems as the largest polluter of ground water in New Mexico, with dairies responsible for less than 3% of ground water impacts. NMED estimates that 57% of existing dairies are located in areas where monitoring wells in shallow ground water has been impacted by nitrates. Under NMED's proposal, these dairies would be required to upgrade to the same requirements as new dairies on a strict schedule. NMED's proposal would not even allow a dairy operator to demonstrate that other sources are responsible for ground water contamination that would force costly upgrades, many of which would not be necessary and would not improve ground water quality.

While there is evidence that ground water has been impacted by nitrates discharged from dairies, the ground water impacts typically are localized to shallow ground water around the dairy sites and have not been shown to impact drinking water wells. Dairymen rely upon aquifers underlying their dairies to supply drinking water for their families and their livestock, and would not jeopardize their own health or livelihood. Dairy discharges have not adversely impacted any public drinking water systems in New Mexico. While NMED warns of the risks of “blue baby syndrome” associated with high nitrate levels in drinking water, the New Mexico Health Department reports there have been no reported deaths due to blue baby syndrome in New Mexico since at least 1979, well before expansion of the dairy industry in New Mexico.

NMED has done no study on the economic impact of the proposed regulations on the New Mexico dairy industry, nor has it even estimated the cost for New Mexico dairies to comply with the new rules. Data compiled by a New Mexico State University researcher shows that New Mexico dairies on average already spend over \$250,000 per year on environmental compliance costs. These costs could increase dramatically under NMED’s proposed rules. Testimony filed by NMED on March 8 in support of its proposed rule emphasize that many of the rules are needed to save agency staff time and resources. Nevertheless, NMED claims that permit applications under the new rules will take at least one year to process, rather than the 120 days now provided.

Faced with the current low milk prices and unable to obtain new bank financing as a result of the ongoing economic crisis, the new requirements proposed by NMED could be a death knell for many dairies. If these regulations are adopted as proposed, they could result in closure of up to half of New Mexico’s existing dairies who cannot afford to meet all of the new requirements.

New Mexico’s economy already is struggling, as evidenced by state and local government budget cuts. Excessive regulation of other industries, such as the “pit rules” imposed upon the oil and gas industry, have adversely impacted the contribution of other industries to the state economy and to the local economies where those industries operate. The New Mexico Water Quality Control Commission will start its hearings on NMED’s rules proposals on April 13 in Santa Fe. If you are concerned with the potentially devastating impacts NMED’s proposed rules could have, now is the time to make your voice heard. Public testimony will be taken during the hearing in Santa Fe, or letters of concern and comments can be addressed to:

Water Quality Control Commission
c/o Joyce Medina, WQCC Administrator
1190 St. Francis Drive
P.O. Box 5469
Santa Fe, New Mexico 87502

In addition you can call Governor Richardson at 505-476-2200 and tell him “Don’t regulate our dairy industry out of the state!”

Additional information on NMED’s rule proposal is available at: www.nmenv.state.nm.us. Additional information on the Commission’s hearing can be obtained from the same website or by calling Ms. Medina at (505) 827-2425.

TALKING POINTS

- The New Mexico Environment Department (NMED) has proposed new regulations for New Mexico's dairies that could deal a crippling blow to dairies across the state.
- NMED's proposed regulations would substantially increase environmental compliance costs for New Mexico's dairies, yet NMED's proposal does not reflect the best science available for environmental protection.
- NMED's proposed regulations would impose strict new requirements for new dairy facilities that are more stringent than regulations adopted by any other state.
 - Many dairies would be required to install expensive double-liner systems for wastewater impoundments similar to those required for hazardous wastes, even though no state has required them for dairies.
 - While clay liners are allowed under recent regulations adopted in neighboring states, clay liners would be banned in New Mexico.
- NMED also proposes to require existing dairies to upgrade to meet the costly requirements for new dairies without scientifically demonstrating any meaningful protection to our groundwater.
- NMED's proposal would not even allow a dairy operator to demonstrate that other sources are responsible for ground water contamination that would force costly upgrades, many of which would not be necessary and would not improve ground water quality.
- Dairy producers rely on aquifers underlying their dairies to supply drinking water for their families and livestock, and they would not jeopardize their own health or livelihood.
- NMED has done no study on the economic impact of the proposed regulations on the New Mexico dairy industry, nor has it even estimated the cost for New Mexico dairies to comply with the new rules.
- Faced with record low milk prices and a difficult lending market, the new requirements proposed by NMED could be a death knell for many dairies.
- It has been estimated that the combined economic impact of the New Mexico dairy industry is over \$2 billion annually.
- If these regulations are adopted as proposed, they could result in the closure of up to half of New Mexico's existing dairies who cannot afford to meet all of the new requirements, thereby causing the state to lose about \$1 billion in economic activity.
- New Mexico does not need to regulate our dairy industry out of the state!

SAMPLE LETTER

<DATE>

Water Quality Control Commission
c/o Joyce Medina, WQCC Administrator
1190 St. Francis Drive
P.O. Box 5469
Santa Fe, NM 87502

Re: Dairy Regulations, WQCC 09-13(R)

Dear Commissioners:

I am writing to express my opposition to the proposed rules dealing with the dairy industry submitted by the New Mexico Environment Department (NMED). These proposed rules would have severe negative implications for New Mexico and my community, without providing any clear environmental benefit.

NMED's proposed regulations would impose strict new requirements for new dairies that are more stringent than regulations adopted by any other state without establishing the necessary scientific foundation. For example, many dairies would be required to install expensive double-liner systems for wastewater impoundments similar to those required for hazardous wastes, even though no state has ever required them for dairies. Clay liners, allowed under recent regulations adopted in neighboring states, would be banned in New Mexico.

In turn, NMED also proposes to require existing dairies to upgrade to meet the costly requirements for new dairies without scientifically demonstrating any meaningful protection to groundwater. No evidence that any drinking water well could be impacted is required before the new requirements are imposed. Most dairies are located in agricultural areas where shallow ground water has been impacted by several decades of human activity, including farming, and where only deeper, clean aquifers are used for drinking water. Indeed, NMED has identified septic systems as the largest polluter of ground water in New Mexico, with dairies responsible for less than 3% of ground water impacts.

NMED has done no study on the economic impact of the proposed regulations on the New Mexico dairy industry, nor has it even estimated the cost for New Mexico dairies to comply with the new rules. Meanwhile, the dairy industry is estimated to have an economic impact to the state of over \$2 billion annually, and if NMED's regulations are adopted, it could potentially result in the closure of up to half of New Mexico's existing dairies because they cannot afford to meet all of the new requirements.

I urge the Water Quality Control Commission to carefully consider all of the consequences of NMED's proposal. Simple put, please "Do not regulate our dairy industry out of the state!"

Sincerely,

<NAME>

<ORGANIZATION>

<ADDRESS>

MODEL RESOLUTION ON DAIRY REGULATIONS

WHEREAS, the New Mexico Environment Department (NMED) has proposed new regulations for New Mexico's dairies that could deal a crippling blow to dairies across the state; and

WHEREAS, NMED's proposed regulations would substantially increase environmental compliance costs for New Mexico's dairies; and

WHEREAS, NMED's proposed regulations do not reflect the best available science for environmental protection within the dairy industry; and

WHEREAS, NMED has done no study on the economic impact or reasonableness of the proposed regulations on the New Mexico dairy industry, nor has it even estimated the cost for New Mexico dairies to comply with the proposed regulations; and

WHEREAS, dairy producers recognize that ground water protection is vital, but the methods required for such protection under the proposed regulations must be proven, using sound science, to be effective and achievable; and

WHEREAS, the New Mexico dairy industry has an estimated economic impact on the state's economy of over \$2 billion; and

WHEREAS, dairies already are struggling with historic low milk prices, and if these proposed regulations are adopted, it could potentially result in closure of up to half of New Mexico's existing dairies who cannot afford to meet all of the new requirements; and

WHEREAS, the economic activity generated by dairies is critical for counties and municipalities where these dairies are located; and

WHEREAS, the New Mexico Water Quality Control Commission (WQCC) has scheduled a hearing on NMED's proposed regulations in Santa Fe, New Mexico, on April 13, 2010, and the WQCC will consider oral or written public comments as part of the proceeding;

NOW, THEREFORE, BE IT RESOLVED that the _____ opposes NMED's proposed regulations dealing with the dairy industry to be considered on April 13, 2010, before the WQCC; and

BE IT FURTHER RESOLVED that it is in the public interest to sustain and develop the dairy industry in the State of New Mexico, and NMED's proposed regulations are contrary to this public interest; and

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the WQCC as part of the public comment for the rulemaking hearing.