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## **KLA Dairy Council Meeting**

Thursday, December 1, 2022 | 2:30 p.m. – 4:30 p.m.

Wichita, KS | Century II – Osage 207

Chairman: **Andy Smaltz**

Vice Chairman: **Justin Ohlde**

### AGENDA

- Welcome & Introductions: Andy Smaltz
- Housing Development in Kansas: Outlook and Resources Available - Alissa Ice, Kansas Housing Authority
  - Alissa will highlight various grant programs and tax credit programs, as well as provide examples of how the programs have been used.
- Answering the Call: International Personnel in Livestock Operations - Mira Mdivani and Leyla McMullen, Mdivani Corporate Immigration Law Firm
  - Sophisticated farming and ranching operations are turning to international labor to answer the call. Business immigration law experts Leyla McMullen and Mira Mdivani of Mdivani Corporate Immigration Law Firm will outline available options and answer questions.
- Regulatory Update - Katlynn Bourne, KLA Environmental Services
  - Katlynn will provide an update on the KLA regulatory app available to KLA Dairy Council members.
- KLA Work Comp Update - Rich McKee
  - Rich will provide a quick review of the KLA Work Comp Pool's performance and the dairy industry's role in the pool.
- Review of Policy Resolutions
  - All 2020 resolutions will expire without action. This is also the appropriate time to add, amend, or delete any KLA policy. 2021 and 2022 resolutions remain as KLA policy unless changes are passed.
- Other Business
- 2022 Council Leadership & Adjourn

### SPONSORS





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### **Review of Policy Resolutions**

10. STATEMENT OF OPERATING PRINCIPLES (2021)
13. STATUTORY LIENS (2020) **EXPIRING**
14. KANSAS AGRICULTURE MARKET REPORTS (2021)
15. MOTOR VEHICLE REGULATIONS (2022)
16. LIVESTOCK TRANSPORTATION HOURS OF SERVICE STANDARDS (2021)
17. IMMIGRATION (2022)
18. BEEF CHECKOFF (2021)
19. LABELING OF IMITATION MEAT AND DAIRY PRODUCTS (2020) **EXPIRING**
20. RAW MILK LABELING AND INSPECTION (2021)
22. TRADE AGREEMENTS (2021)
34. ZONING OF AGRICULTURAL LAND AND BUILDINGS (2020) **EXPIRING**
43. ENVIRONMENTAL REGULATION (2021)
44. SCIENCE-BASED TOOLS FOR SITING OF CONFINED FEEDING FACILITIES (2022)
50. STOCKWATER FACILITY PERMIT (2020) **EXPIRING**
53. ANIMAL CARE (2021)
54. HANDLING OF NON-AMBULATORY CATTLE (2022)
56. PROTECTION OF AGRIBUSINESS (2021)
57. ANIMAL HEALTH PRODUCTS (2021)
62. KANSAS DEPARTMENT OF AGRICULTURE, DIVISION OF ANIMAL HEALTH (2021)
65. ANIMAL IDENTIFICATION FOR DISEASE TRACEABILITY (2021)
66. KSU COLLEGE OF AGRICULTURE, COLLEGE OF VETERINARY MEDICINE, EXTENSION SERVICES, AND EXPERIMENT STATIONS (2020) **EXPIRING**



# 2022 Policy Resolutions

## **10. STATEMENT OF OPERATING PRINCIPLES (2021)**

WHEREAS, the Kansas Livestock Association believes the livestock industry is best served by the process of free enterprise and free trade, and

WHEREAS, even with its imperfections, free trade is relatively more equitable than regulated and subsidized markets that retard innovation and distort production and market signals, and

WHEREAS, regulated and subsidized markets disadvantage some producers in favor of others.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association is opposed to attempts to narrow the business options or limit the individual freedom of livestock producers to innovate in the management and marketing of their production unfettered by additional government regulations.

## **13. STATUTORY LIENS (2020)**

WHEREAS, there are a number of agricultural statutory liens that have served Kansas well for decades, and

WHEREAS, under current law, livestock producers have a first and prior lien on the grazing, feeding, and care provided for livestock owned by others without having to file financing statements with the state.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports the current agricultural lien laws dealing with the feed and care provided livestock and will oppose any efforts to eliminate these liens or their priority.

BE IT FURTHER RESOLVED, the Kansas Livestock Association will oppose amendments that would require livestock producers to file financing statements with the state in order to maintain the status of their statutory lien.

## **14. KANSAS AGRICULTURE MARKET REPORTS (2021)**

WHEREAS, access to fair, transparent, third-party, government-generated market information is critical in determining the value of agricultural products and is an important function of state and federal government.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports adequate state and federal funding for the continuation of the Kansas Hay Market Reports and Kansas Feeder Cattle Auction Reports.

## **15. MOTOR VEHICLE REGULATIONS (2022)**

WHEREAS, livestock producers are an important sector of the nation's economy, and

WHEREAS, the use of trucks and trailers is a necessary part of every livestock producer's operation, and

WHEREAS, additional regulatory measures create an extensive economic burden on livestock operations.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports changes to statutes and regulations dealing with motor vehicle requirements to ensure the agricultural industry is not unnecessarily burdened.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports reasonable and least burdensome regulations so that they do not impede the necessary transportation of Kansas agricultural products to and from market.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports an interpretation of federal law that clarifies transporting agricultural products to and from market within the state does not constitute interstate commerce.

#### **16. LIVESTOCK TRANSPORTATION HOURS OF SERVICE STANDARDS (2021)**

WHEREAS, livestock haulers must adhere to hours of service (HOS) standards that limit drive time to 11 hours and on-duty time to 14 hours, and

WHEREAS, strict enforcement of the HOS standard is not practical and will compromise animal welfare, and

WHEREAS, significant confusion exists around mandatory electronic logging devices (ELD) and ELDs' impact on HOS for livestock haulers.

THEREFORE BE IT RESOLVED, KLA supports an exemption from ELD requirements for livestock haulers while modifications to HOS requirements for livestock haulers are sought.

BE IT FURTHER RESOLVED, KLA supports HOS changes that protect animal welfare and prevent excessive cost increases in freight.

#### **17. IMMIGRATION (2022)**

WHEREAS, the Kansas livestock industry, the largest segment of Kansas agriculture, relies on immigrant workers for a significant portion of its labor force, and

WHEREAS, Kansas agricultural businesses desire to hire a documented, legal workforce, and

WHEREAS, in the case *Arizona et al. v. U.S.*, 132 S. Ct. 2492 (2012), the U.S. Supreme Court stated: "The Government of the United States has broad, undoubted power over the subject of immigration and the status of aliens," and

WHEREAS, the duty to regulate immigration policy is the constitutional responsibility of the federal government and such authority does not lie with the states unless expressly delegated by the federal government.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association opposes state government legislation that would enact more restrictive immigration policies than exist under federal law.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports federal immigration policy that allows for an efficient and adequate guest worker program, and provides opportunities for current employees found to be unauthorized workers to complete the immigration process legally.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes tougher penalties for businesses unknowingly employing unauthorized workers and supports legislation that eliminates liability for employers who have made a good faith effort to comply with immigration laws.

#### **18. BEEF CHECKOFF (2021)**

WHEREAS, producer investment in the beef checkoff, created in the 1985 Farm Bill, has helped improve beef demand by funding important promotion, research, and education projects, and

WHEREAS, a Cornell University study between 2014 and 2018 showed for every \$1 invested, the checkoff returned \$11.91, and

WHEREAS, a 2020 producer attitude survey confirmed 73% of producers approved of the checkoff program, and

WHEREAS, more than three decades of inflation has cut into the amount of funding the checkoff can provide for these essential programs, and

WHEREAS, the 1996 Act, in comparison to the 1985 Beef Promotion and Research Act, gives more control and power to the federal government; allows for an increased share of the checkoff funds to be used for administration costs; and does not ensure a coordinated state/national partnership.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports an increase in the beef checkoff assessment rate for the purpose of adequately funding an effective beef demand-building program.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes proposals to create a supplemental beef checkoff under the 1996 Act.

## **19. LABELING OF IMITATION MEAT AND DAIRY PRODUCTS (2020)**

WHEREAS, the development and commercialization of meat analogues, foods that approximate the aesthetic qualities, primarily texture, flavor, and appearance, or the chemical characteristics of specific types of meat, but do not contain meat or a meat food product, is occurring, and

WHEREAS, the development and commercialization of laboratory-grown meat alternatives is imminent, and

WHEREAS, the development and commercialization of dairy analogues has occurred, and

WHEREAS, companies selling meat analogues have claimed their products are meat, despite not containing animal protein, and

WHEREAS, meat analogues are often nutritionally inferior to meat, and

WHEREAS, the Federal Meat Inspection Act (FMIA) grants the U.S. Department of Agriculture (USDA) regulatory authority over all meat and meat food products, and

WHEREAS, the Federal Food, Drug, and Cosmetic Act (FFDCA) grants the Food and Drug Administration (FDA) regulatory oversight of all non-meat and non-poultry derived food products, and

WHEREAS, both USDA and FDA are responsible for enforcing standards that labels are truthful and not misleading, and

WHEREAS, there is lackluster enforcement by the FDA against meat and dairy analogues, and

WHEREAS, the same enforcement issues could occur with laboratory-grown meats, and

WHEREAS, the cross-use of nomenclature is confusing and misleads consumers who expect certain characteristics from meat and dairy products, and

WHEREAS, consumers should be equipped to make informed decisions when purchasing meat food products versus imitation meat products and other meat analogues.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association opposes allowing dairy analogues, meat analogues, and laboratory-grown meat to inappropriately utilize nomenclature associated with actual meat or dairy products.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports legislative, regulatory, or judicial action to protect consumers by ensuring dairy analogues, meat analogues, and laboratory-grown meat are accurately labeled and do not inappropriately utilize nomenclature associated with actual meat or dairy products.

## **20. RAW MILK LABELING AND INSPECTION (2021)**

WHEREAS, pasteurized milk is a safe, wholesome, nutritional product packed with valuable nutrients essential to the human diet, and

WHEREAS, unpasteurized milk can carry dangerous organisms which pose serious health risks easily eliminated by pasteurizing milk, and

WHEREAS, in Kansas, unpasteurized milk may not be sold in retail stores and is only allowed to be sold on the farm, and

WHEREAS, a recent Kansas court case struck down the prohibition on advertising raw milk, which could result in the misleading of consumers about the health risks of consuming raw milk, and

WHEREAS, food-borne illness outbreaks related to unpasteurized milk can harm dairy sales of pasteurized milk because of consumer confusion.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports legislation that requires raw milk to be conspicuously labeled with a food safety warning label.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports legislation requiring all dairies to meet the same basic Grade A or Grade AA inspection standards as dairies that sell milk to a processor.

## **22. TRADE AGREEMENTS (2021)**

WHEREAS, according to the U.S. Trade Representative, the U.S. has approximately 20 bilateral trade agreements in effect and is a member of the World Trade Organization, and

WHEREAS, bilateral and multilateral trade agreements create opportunities to increase U.S. agricultural sales internationally, remove nontariff barriers to trade, eliminate tariffs, open markets, and promote economic growth in agriculture, and

WHEREAS, some countries prohibit the use of agricultural technology such as genetically modified organisms, beta agonists, and antibiotics, which science has shown to be safe and are approved for use in the United States, as a protectionist nontariff barrier to free trade, and

WHEREAS, recent trade agreements have allowed U.S. products to access or remain competitive in foreign markets.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports bilateral and multilateral trade agreements that benefit agriculture.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports protecting the use of modern agricultural technology in bilateral and multilateral trade agreements.

## **34. ZONING OF AGRICULTURAL LAND AND BUILDINGS (2020)**

WHEREAS, the preservation of private property rights is a policy objective of the Kansas Livestock Association, and

WHEREAS, agricultural enterprises succeed best when decisions about agricultural land and the construction, maintenance, and use of agricultural structures are left to the property owner and free from government interference, and

WHEREAS, the Kansas Legislature has recognized and preserved the right of property owners to use agricultural land and buildings free from regulations under the Kansas planning and zoning act, and

WHEREAS, numerous Kansas counties have chosen not to follow the Legislature's mandate to exempt the use of agricultural land and buildings from planning and zoning regulations, infringing on the property rights of farmers and ranchers.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports current state laws that prohibit local governments from enacting any regulations that apply to agricultural land use or the construction and maintenance of buildings used for agricultural purposes outside of city limits, and opposes any attempt to weaken those exemptions.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports legislative, judicial, and administrative initiatives to compensate private property owners who are forced to defend their right to use agricultural land and buildings from planning and zoning resolutions and ordinances, promulgated by local governing bodies, that violate state statutes prohibiting such resolutions and ordinances.

#### **43. ENVIRONMENTAL REGULATION (2021)**

WHEREAS, the mission of the Kansas Livestock Association is to advance members' common business interests and enhance their ability to meet consumer demand, and

WHEREAS, agriculture, in particular livestock operations, are a vital part of the Kansas economy, and

WHEREAS, livestock operations require consistent, science-based, uniform environmental laws and regulations to maintain a favorable business environment, and

WHEREAS, climate change, air, and water pollution regulation is or may be proposed at state and federal levels that may impact agricultural operations including livestock operations, and

WHEREAS, federal and state court and administrative regulatory decisions regarding greenhouse gas emissions and air or water pollutants may directly impact livestock and agricultural operations.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports legislative, judicial, or administrative actions to minimize the effects of environmental laws, regulations, or judicial determinations on livestock operations and to maximize the economic opportunities for agricultural and livestock operations to meet such regulations.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports legislative, judicial, and administrative actions that allow maximum flexibility for agricultural and livestock operations to meet regulatory obligations.

#### **44. SCIENCE-BASED TOOLS FOR SITING OF CONFINED FEEDING FACILITIES (2022)**

WHEREAS, environmental rules at the local, state, and federal levels should not be allowed to put Kansas livestock producers at a competitive disadvantage, but Kansas has long-

standing separation distance rules between confined feeding facilities and the nearest “habitable structure” that exceed similar restrictions in surrounding states, and

WHEREAS, these rules have prevented a number of confined feeding facilities from being built in Kansas.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports the use of modern, science-based tools for siting, designing, and permitting of confined feeding facilities.

#### **50. STOCKWATER FACILITY PERMIT (2020)**

WHEREAS, most stockwater rights operate as a group within the same local source of water supply, at a low volume, and a low flow rate to furnish a livestock facility with water, unlike irrigation wells that operate independently at a high volume and at a high flow rate, and

WHEREAS, due to differing levels of elevation, varying head counts, and differences in hydrologic pressure, one well at a livestock facility can tend to over-perform while other wells under-perform, which can lead to one water right in the system overpumping its authorized quantity, while the total authorized quantity of all wells in the system is far below the water rights’ authorized quantity.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports a stockwater facility permit that would allow an individual water right or rights to exceed the annual authorized quantity of the individual water right or rights supplying water to a livestock facility, as long as the water use does not exceed the total annual authorized aggregate quantity of all the water rights available to the facility and does not impair a senior water right from the same local source of supply.

#### **53. ANIMAL CARE (2021)**

WHEREAS, livestock producers recognize that good animal health, care, production, and handling practices are a responsibility of producers to the animals and the consumer, and

WHEREAS, livestock producers long have been concerned with the welfare of livestock, recognizing that good animal health, care, production, and handling practices are essential to efficient and profitable production, and

WHEREAS, it is important for livestock producers to share with the public the many animal husbandry practices used every day in their operations.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association recommends producers implement the Cattle Industry’s Guidelines for the Care and Handling of Cattle, Beef Quality Assurance guidelines, Dairy Quality Assurance guidelines, and/or the National Dairy FARM Program.

BE IT FURTHER RESOLVED, the Kansas Livestock Association encourages the further development and participation in voluntary certification programs that validate participating producers are using best management practices for disease control and animal care.

#### **54. HANDLING OF NON-AMBULATORY CATTLE (2022)**

WHEREAS, the safety and well-being of cattle handlers is a priority, and

WHEREAS, humane handling of cattle always has been a priority for Kansas livestock producers.

THEREFORE BE IT RESOLVED, non-ambulatory cattle should be humanely euthanized as soon as possible.



BE IT FURTHER RESOLVED, the Kansas Livestock Association supports policy prohibiting the harvest of non-ambulatory cattle for human consumption.

**56. PROTECTION OF AGRIBUSINESS (2021)**

WHEREAS, securing the health and safety of agriculture from vandalism and other negative influences is a serious concern, and

WHEREAS, protecting our agricultural industry to allow for a stable food supply for U.S. consumers is vital and should not be taken for granted.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports new initiatives concerning acts against the livestock industry to: (1) strengthen the penalties for anyone involved in illegal biosecurity activities affecting the agricultural industry; (2) provide increased coordination of local, state and federal officials to more effectively monitor and respond to these threats; (3) give producers increased protections against false and derogatory statements that would damage or endanger a producer's livelihood, product, property or diminish livestock production practices; and (4) allow producers to secure their facilities and operations at all times.

**57. ANIMAL HEALTH PRODUCTS (2021)**

WHEREAS, the Kansas Livestock Association facilitates the Kansas Beef Quality Assurance educational program with Kansas State University and the Kansas Veterinary Medical Association, and

WHEREAS, the Kansas Livestock Association continues to encourage the livestock industry to follow the proper use of animal health products and feed additives.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association opposes laws and regulatory proposals that hinder the timely availability of animal health products, create costly or burdensome distribution and administration of products, and impose duplicative regulatory requirements by state and federal agencies.

**62. KANSAS DEPARTMENT OF AGRICULTURE, DIVISION OF ANIMAL HEALTH (2021)**

WHEREAS, animal agriculture is important to the Kansas economy, and

WHEREAS, maintaining a healthy animal population is important to all Kansans, and

WHEREAS, being prepared to manage any animal health situation that may arise is important to maintaining a strong economy.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports funding the Kansas Department of Agriculture, Division of Animal Health through the state general fund or from a broad-based fee collection system funded proportionately from all species based on their demands on Kansas Department of Agriculture, Division of Animal Health resources.

**65. ANIMAL IDENTIFICATION FOR DISEASE TRACEABILITY (2021)**

WHEREAS, USDA's animal identification disease traceability program is limited to sexually intact cattle, more than 18 months of age, that move in interstate commerce; dairy cattle; cattle used for rodeo and recreational events; and cattle moved to shows and exhibitions, and

WHEREAS, the 2021-2025 cattle industry Long Range Plan emphasizes the cattle industry should invest in education, communication and other activities that drive the industry to unify efforts to achieve traceability.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports efforts by the National Cattlemen’s Beef Association and USDA to develop a mandatory national individual animal identification disease traceability system for all cattle.

BE IT FURTHER RESOLVED, the Kansas Livestock Association believes strongly that any animal identification or disease traceability program should be designed to (1) minimize costs to producers, (2) optimize the role of the private sector to administer the program, and (3) protect the confidentiality of individual animal owner records.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports expansion and further development of U.S. CattleTrace and its interface with existing private-sector, data management, identification and traceability companies as the nationally significant solution for animal disease traceability.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports limitations on animal owners’ liability exposure that may arise under a private or public animal identification or disease traceability program.

**66. KSU COLLEGE OF AGRICULTURE, COLLEGE OF VETERINARY MEDICINE, EXTENSION SERVICES, AND EXPERIMENT STATIONS (2020)**

WHEREAS, agriculture is the number one industry in Kansas, and

WHEREAS, Kansas State University is one of the nation's first land grant colleges and agriculture has always been a prime area of teaching and research.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association strongly supports that the university administration, Board of Regents, and the Kansas Legislature provide funding for the College of Agriculture, College of Veterinary Medicine, a food safety and security facility, experiment stations, and extension services in relationship to agriculture's importance to the Kansas economy.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports the need for and legislative approval of a new state-of-the-art veterinary diagnostic laboratory.