

# Right to Farm

## FY 2006 Report

The Right to Farm (RTF) Program is administered through the Michigan Department of Agriculture (MDA) Environmental Stewardship Division and is comprised of two parts, environmental complaint response and site selection and odor control for new and expanding livestock production facilities.

The complaint response program began in 1986 and was initiated to address farm related environmental complaints received by MDA. Through this program, producers and complainants alike, receive education regarding Generally Accepted Agricultural and Management Practices (GAAMPs) as they relate to on-farm production agriculture and protection of the environment. The GAAMPs that have been developed are as follows:

- 1) 1988 Manure Management and Utilization
- 2) 1991 Pesticide Utilization and Pest Control
- 3) 1993 Nutrient Utilization
- 4) 1995 Care of Farm Animals
- 5) 1996 Cranberry Production
- 6) 2000 Site Selection & Odor Control for New/Expanding Livestock Facilities
- 7) 2003 Irrigation Water Use

The RTF Program includes site selection for new and expanding livestock facilities and environmental complaint response. While complaint response activities determine verified environmental problems, they are also a very effective mechanism for farmers to implement the necessary corrective management practices to fix those problems and earn nuisance protection. Coordination with other agencies and RTF follow up inspections track the progress of farmers and document completion of projects.

The site selection portion of the program helps producers carefully plan, site, build, and manage their new or expanding livestock facilities in a manner that protects natural resources, controls odors, and enhances neighbor relations.

Development and implementation of farm specific Manure Management System Plans (MMSP), Site Selection Practices, and the distribution of thousands of RTF Practices to farmers all across the state, are important ways that the RTF program contributes to Michigan's overall pollution prevention strategy.

All seven sets of GAAMPs and other information about the Right to Farm Program are available at MDA's web site at: <http://www.michigan.gov/gaamps>.

## Right to Farm Program Environmental Complaint Response

FY 2006

Fiscal year (FY) 2006 complaints returned to their normal pattern as compared to the previous fiscal year. In FY 2005, for the first time ever, complaints concerning odor surpassed surface water, and equine complaints doubled their average and climbed above dairy. While in FY 2006 odor complaints continued to rise, the number of dairy complaints regained the lead in complaint numbers.

In FY 2006 the Michigan Department of Agriculture (MDA) Right to Farm (RTF) Environmental Complaint Response Program responded to 164 new complaints received from the public, Michigan Department of Environmental Quality (MDEQ), and other agencies. Although the number of complaints was slightly lower in FY 2003 and 2004, the numbers have risen in the past two years with FY 2006 producing the highest number of complaints in the twenty year history of the RTF program. In addition, there were ten requested proactive inspections at facilities across the state. Furthermore, 140 follow up inspections were conducted during FY 2006.

**Table 1.** Total complaints per fiscal year

<b>Fiscal Year</b>	<b>Total Complaints</b>	<b>Follow Up Inspections</b>
FY 2006	164	140
FY 2005	162	134
FY 2004	121	102
FY 2003	127	162
FY 2002	145	231
FY 2001	157	135

During FY 2006, Right to Farm complaints came from 50 counties all across Michigan. Lenawee County recorded fourteen complaints, Livingston eight, and Van Buren and Allegan Counties each had seven. Other counties recording a high number of complaints include Berrien, Hillsdale, St. Clair and Tuscola each with six, and Bay, Calhoun, Genesee, Ingham, Ionia, Mason, Muskegon, and Ottawa, each with five complaints.

This report also includes a table of accomplishments with corrective practices grouped by the major resources of surface water, air quality, and groundwater, and the measurable results of each farmer's work to implement those practices. In addition, management plans are an effective way for producers to maintain those practices, sustain their farm operations, and prevent pollution.

Throughout this report, the numbers will indicate the total number of inspections completed based on complaints. In FY 2006 those on-site inspections that were conducted due to a proactive request by the producer, have been included in the data generation. Beginning in FY 2004, RTF received five proactive inspection requests with six in FY 2005. A rise to 10 proactive inspections in FY 2006 may be explained in part due to continued population growth and urban land use pressures in many rural areas putting environment issues on the forefront and farmers wanting RTF protection. Some of the charts, graphs, and tables may depict this data; however, if it is not specified, it was not included.

In some cases where, after an on-site inspection the complaint was not verified but the farm operation was not covered by a MMSP, the producer was asked to complete a plan. RTF staff then determined whether the producer was following all the GAAMPs that apply to their farm operation. This, too, will be shown separately in some of the charts, graphs, and tables.

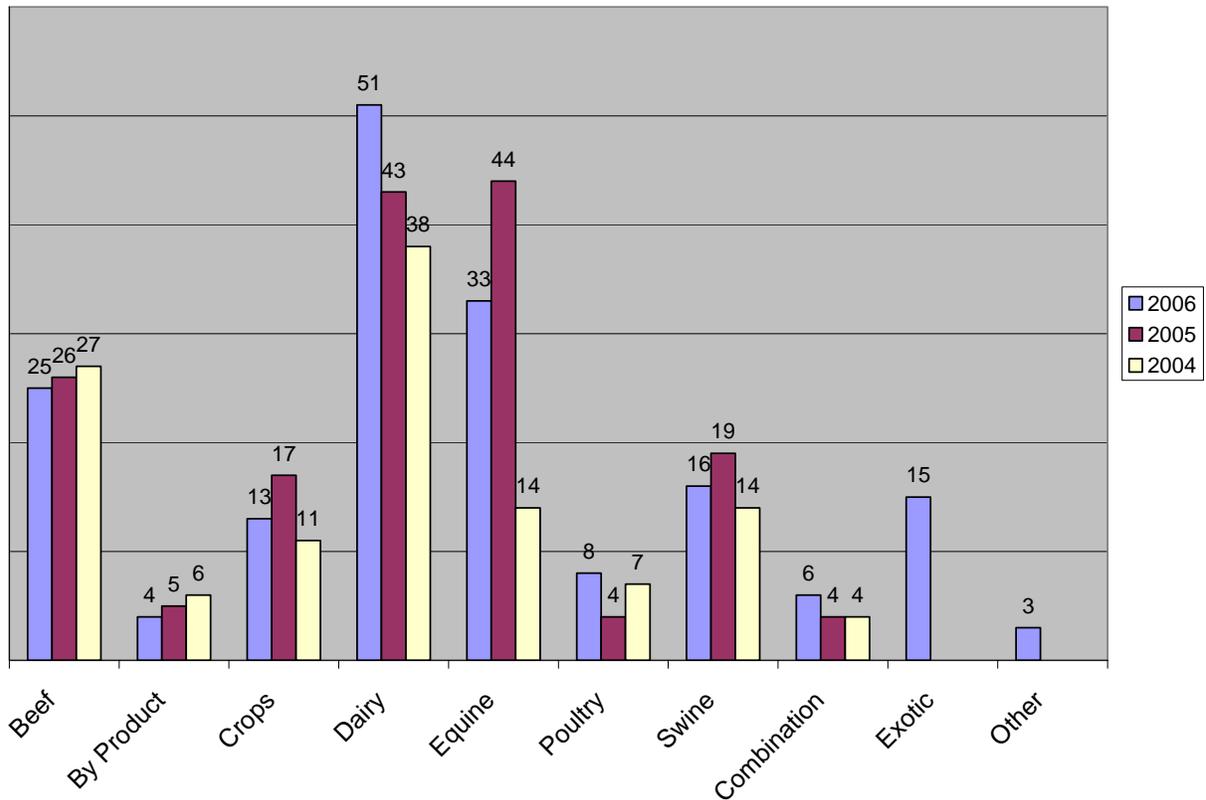
### **Enterprise Type**

As shown in Table 2, in FY 2006, complaints regarding dairy farms rose from 26% of the complaints in FY 2005, to 31%, once again making it the highest percentage for enterprise type. Equine complaints dipped from 27% of the total complaints in FY 2005 to 20% in FY 2006.

**Table 2.** RTF complaints by enterprise type for fiscal years 2003 through 2006

Comparison of Complaints Between Enterprise Types (Percent)				
	2006	2005	2004	2003
Beef	15	16	22	15
By-Products <sup>1</sup>	2	3	5	2
Crops <sup>2</sup>	8	11	9	6
Dairy	31	26	31	32
Equine	20	27	12	18
Poultry	5	2	6	6
Swine	9	12	12	13
Combination <sup>3</sup>	3	3	3	8

**Figure 1.** Number of complaints by enterprise type per fiscal year



<sup>1</sup> By-products from fruit and vegetable food processing

<sup>2</sup> Crops refer to complaints concerning fertilizer, soil erosion, and crop production practices

<sup>3</sup> Two or more species included in complaint

## Resource Concerns

Table 3 shows the complaint types by resource concerns as a percentage of the total. Surface water and air quality consistently have been the top two complaint types. However, in FY 2005 air quality complaints jumped significantly from 39% in FY 2004 to 51% in FY 2005, and were at 48% in FY 2006. Whereas surface water complaints went down from 42% in FY 2004 to 25% in FY 2005 and remained about the same in FY 2006 at 26%.

**Table 3.** Environmental complaint concerns for fiscal years 2003 through 2006

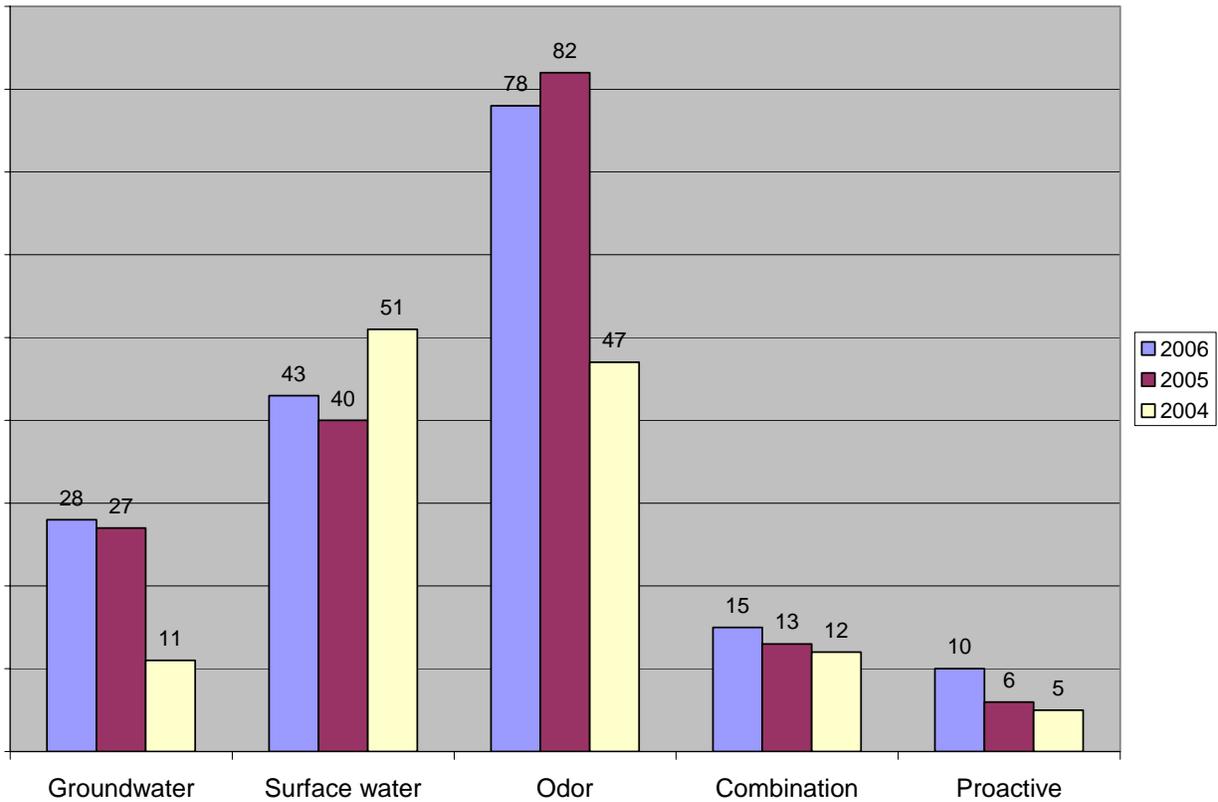
Comparison of Complaints Types (Percent)				
	<b>2006</b>	<b>2005</b>	<b>2004</b>	<b>2003</b>
Air Quality	48	51	39	34
Groundwater	17	16	9	6
Surface Water	26	25	42	40
Combination <sup>4</sup>	9	8	10	20

Aside from the changes in complaint types in recent years, Table 3 above and Figure 2, below, illustrate the pattern that surface water had always been the number one resource complaint, while air quality complaints followed closely. Surface water complaints typically concern uncontrolled livestock access to streams, barnyard runoff to roadside ditches, and potential manure runoff from crop fields to drainage ditches or tiles. Air quality complaints usually involve excessive manure odors and sometimes include excessive flies and dust. Historically, groundwater has been a single resource concern in a small percentage of the complaints. Combination complaints often concern both surface water quality and air quality, and occasionally involve groundwater.

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<sup>4</sup> Two or more resource concerns cited in complaint

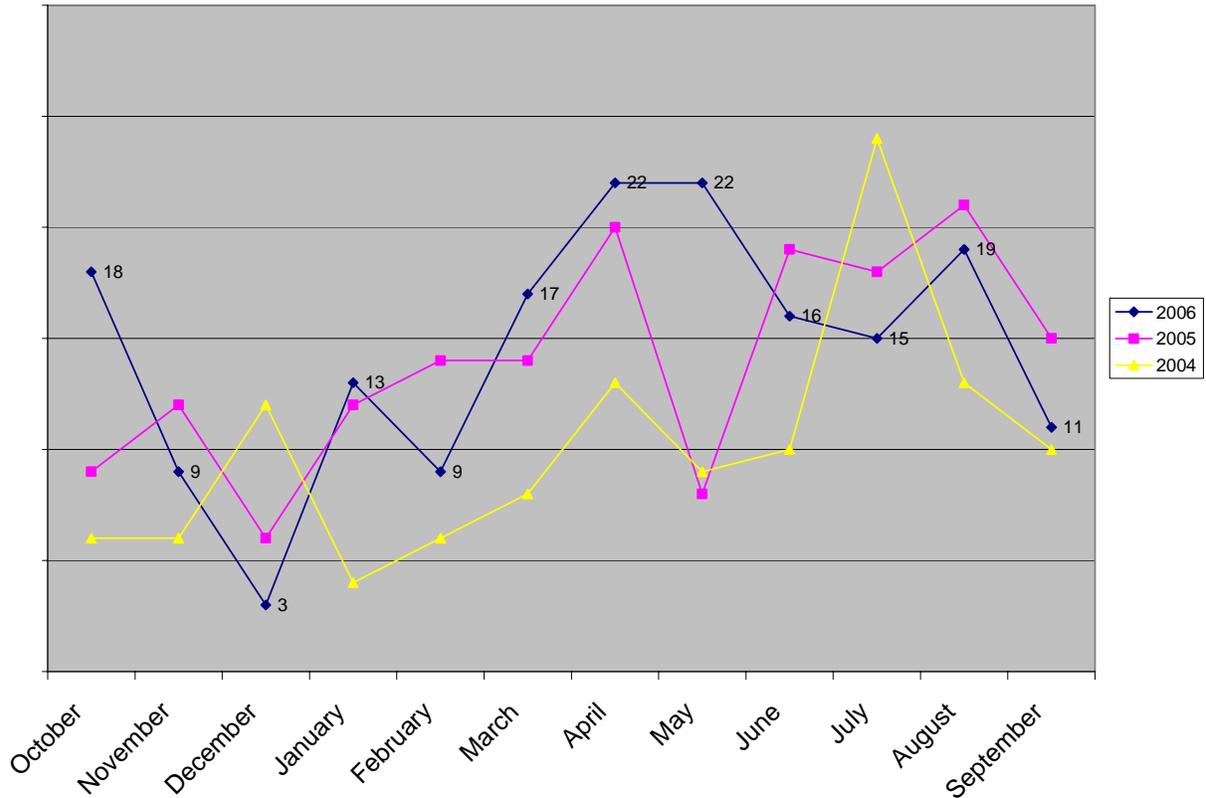
**Figure 2.** Number of complaints by resource type per fiscal year



**Annual Distribution of Complaints**

The distribution in Figure 3 below shows the number of complaints per month and their variation over the course of the last three fiscal years.

**Figure 3.** Number of complaints by month per fiscal year

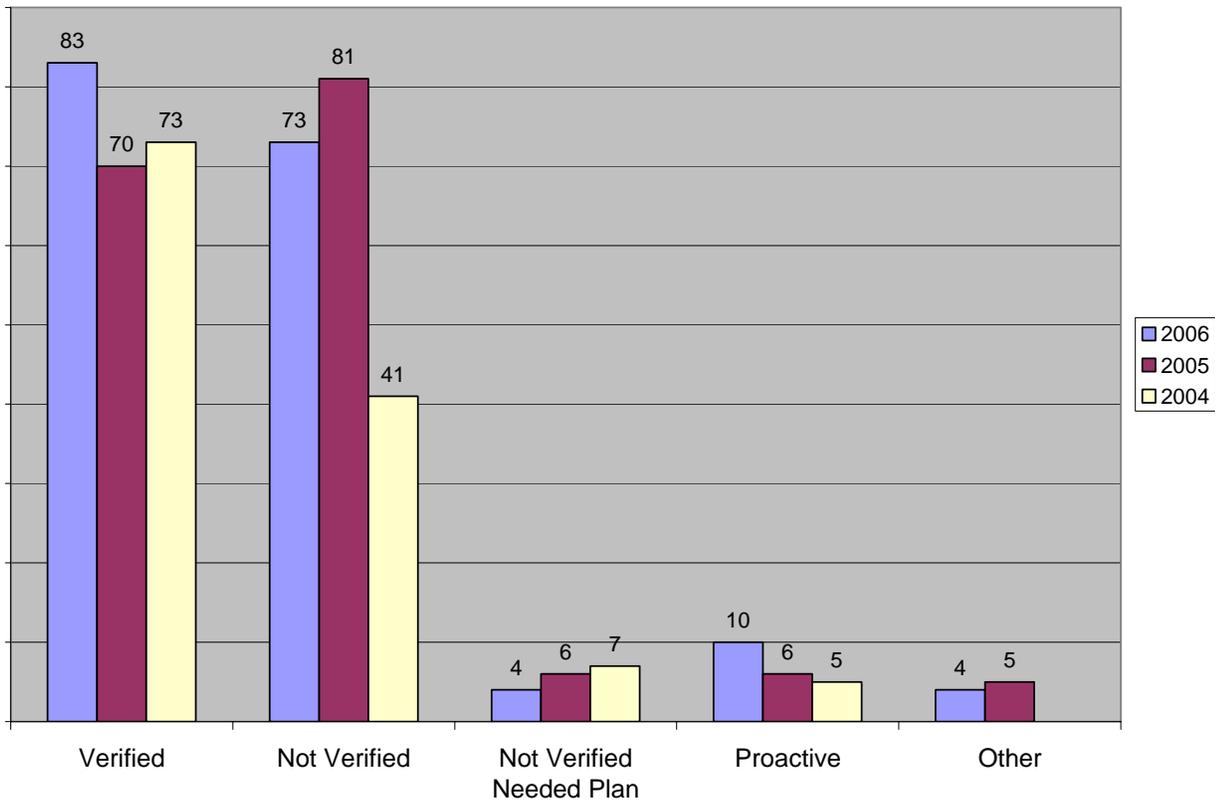


Some of these variations may have occurred due to seasonal or annual weather conditions, an increase in the general public's environmental awareness, more exposure of the Right to Farm program, or any combination of these.

### **Verified vs. Not Verified Complaints**

Figure 4 illustrates the changes in number of verified complaints over the past three years. Multiple factors contribute to the changes in the percent of complaints verified as shown in Table 4. Right to Farm inspections are more comprehensive and utilize a whole farm approach. This approach contributes to Michigan's pollution prevention strategy and will help farmers avoid future complaints. It should be noted, proactive inspections, as well as those complaints that were not verified but the farm facility was not covered by a Manure Management System Plan (MMSP), are detailed here as well. In past years, complaints that were not verified but the facility did not have an MMSP, would be counted as verified complaints.

**Figure 4.** Verified vs. Not Verified complaints



**Table 4.** Comparison of Verified versus Not Verified complaints per year

Fiscal Year	Verified versus Not Verified (Percent)
FY 2006	51 : 45 (remaining 2% for Not Verified Needed Plan and 2% for other)
FY 2005	43 : 50 (remaining 4% for Not Verified Needed Plan and 3% for other)
FY 2004	60 : 34 (remaining 6% for Not Verified Needed Plan)
FY 2003	73 : 27
FY 2002	77 : 23
FY 2001	61 : 39

Complaint files classified as “Not Verified” are cases where the RTF investigation found that the conditions and activities observed at the farm and the documentation provided, demonstrate conformance to all GAAMPs that apply. MDA concluded that those complaints were not verified; and as such, the files were closed.

When complaints are verified, or further documentation is needed to determine conformance to the GAAMPs, then a MDA RTF follow-up inspection is conducted to review the effectiveness of the changes that have been implemented and the provisions of the farm’s plan. If the changes abated the source of the complaint; and/or the required documentation is provided, then these cases are classified as “Abated”.

A complaint classified as “Not Verified Needed Plan” is a combination of the above. A specific complaint may not have been verified; however, the farm facility was not covered by a Manure Management System Plan (MMSP). Therefore, MDA requested that the farmer develop a MMSP for their farm facility.

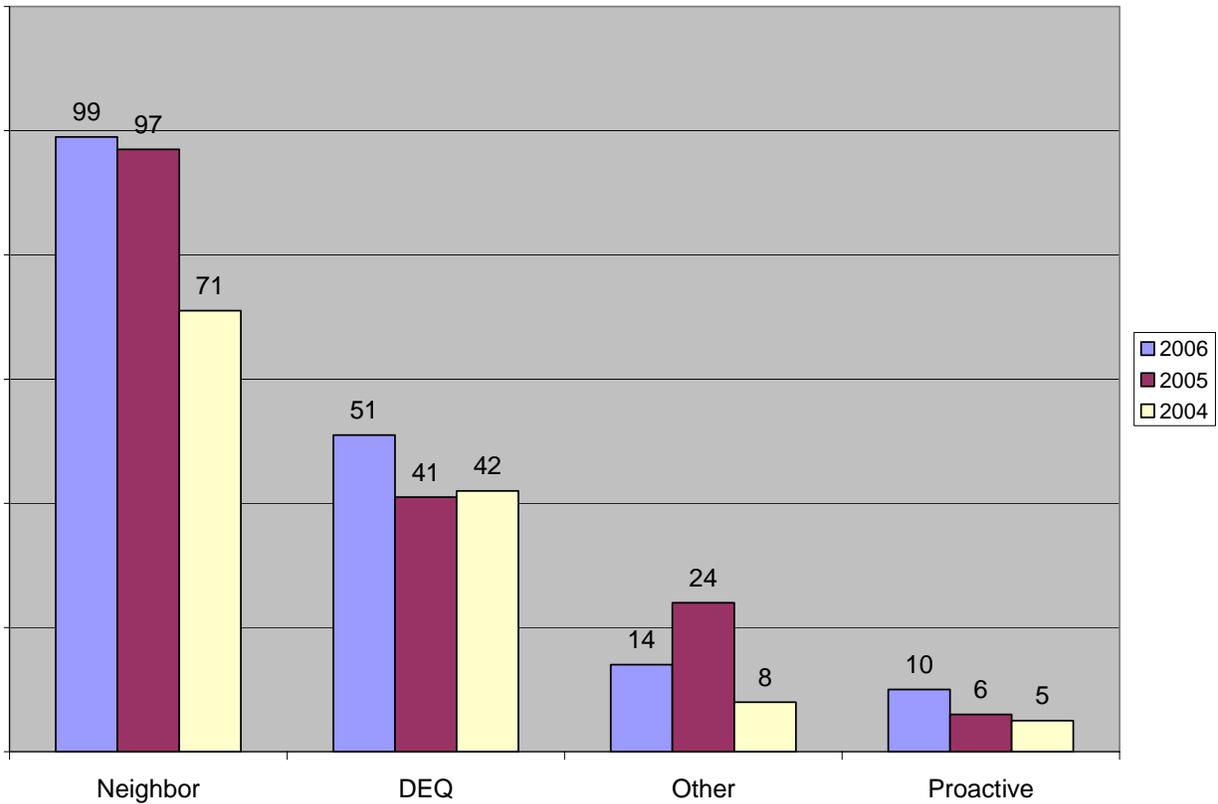
A “Proactive” inspection request is one where the producer contacts MDA for an inspection of their facility. They have not received a complaint but want to make sure they are following all of the GAAMPs that apply to their facility.

In FY 2005 a new classification “Other” was added to capture transferred or withdrawn cases. Those transferred would have been referred to the Michigan Department of Environmental Quality (MDEQ) for not making the necessary changes to bring their farm operations into conformance with the GAAMPs or due to a direct discharge to waters of the State. Withdrawn cases are those that the complainant chose to retract their initial complaint.

### Where Complaints Originate

Urban encroachment, suburban sprawl, residential housing growth and development, and increased environmental awareness all contribute to the pattern depicted in Figure 5. The percentage of complaints referred to MDA from the Michigan Department of Environmental Quality (MDEQ) increased from 25% in FY 2005 to 31% in FY 2006. Still, complaints from neighbors remain the largest percentage of the total each year.

**Figure 5.** Number of complainants by fiscal year



**Table 5.** Complainants in percentage by fiscal year

Fiscal Year	Total Complaints (Percent)		
	Neighbor	DEQ	Other
FY 2006	60	31	9
FY 2005	60	25	15
FY 2004	59	35	6
FY 2003	61	28	11
FY 2002	68	29	3
FY 2001	81	15	4

### **Accomplishments**

The accomplishments outlined in the following table are the result of the cooperation and work from the people whose farms were identified in RTF complaints during FY 2006. These farmers utilized the RTF GAAMPs to implement effective management practices to manage manure and other nutrients and control odors on their farm operations.

With assistance from Michigan State University Extension, local conservation districts, the USDA Natural Resources Conservation Service, and private sector plan writers, many farmers developed and implemented Manure Management System Plans (MMSP). The MMSPs on these farms are excellent tools to manage manure and other nutrients, control odors, and prevent pollution.

The Right to Farm approach to investigate and resolve environmental complaints about activities and conditions on Michigan farms utilizes awareness, education, and technical assistance in partnership with other agencies. The Right to Farm Program advocates the sound environmental stewardship practices included in the GAAMPs. This is the most cost effective method for farmers to achieve compliance with environmental laws and earn nuisance protection under the RTF Act.

**Table 6.** Agricultural management practices implemented in response to RTF complaints

Corrective Practices	Results
<b>Surface water quality protection</b>	
Livestock excluded from surface water	1322 AU
Stream bank fencing installed	14700 feet
Controlled watering access sites installed	3
Vegetative buffer areas installed	4
<b>Runoff control/groundwater protection</b>	
Runoff control structures installed	9
Number of farms that utilized stockpiled manure/by-products	9
Number of fields on which manure was incorporated	5
Number farms that provided soil tests	12
Number of application records received	2
Change of management for runoff/leachate control in flood plain/wetland/sensitive areas	12
<b>Pollution prevention</b>	
Manure Management System Plans (MMSP) or nutrient management plans developed and implemented	18
Animal units covered by plans	11406
Application acres covered by plans	13783
<b>Proactive</b>	
Proactive inspections	10
Not verified complaints but facility was not covered by a MMSP	4
<b>Other</b>	
Cleaned spilled fertilizer	1
Installed lock and signs on bulk fertilizer storage	1
Constructed indoor irrigation and fertilizer container	1
Conservation plan	2
Enacted fly control plan	1



**Right to Farm - Site Selection and Odor Control for  
New and Expanding Livestock Facilities**

FY 2006

The Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities (Site Selection GAAMPs) were first adopted in June of 2000. Site Selection GAAMPs and the preemption of local ordinances regulating certain agricultural practices on agriculturally zoned property, were two major changes to the Michigan Right to Farm Act when it was amended in 1999. Since June 2000, the Site Selection GAAMPs have been utilized by dozens of producers in selecting the best site to construct a new facility or expand their existing facility.

The Site Selection GAAMPs verification process begins with a livestock producer submitting to MDA a verification request to construct a new or expand an existing livestock facility. The verification request consists of a detailed site plan, a Manure Management System Plan (MMSP), construction drawings and specifications, subsurface investigations, and an Odor Management Plan that includes the results of the Michigan OFFSET Model for the proposed facility.

When the verification request is received, MDA sends a letter acknowledging receipt of the request; and a copy of this letter is sent to the township of the proposed site. After the verification request is thoroughly reviewed, MDA schedules and conducts an inspection of the site to discuss the proposed project with the farmer. Upon completion of this process, if all of the conditions outlined in the Site Selection GAAMPs application checklist are being met, MDA sends a letter to the livestock producer granting their verification request; and a copy of this letter is sent to the township.

MDA may conduct interim inspections to ensure that approved construction standards are being met. When the project is completed, and, for some new operations, before

the facility is populated with livestock, MDA will conduct a final inspection to verify the facility was constructed according to the approved verification request.

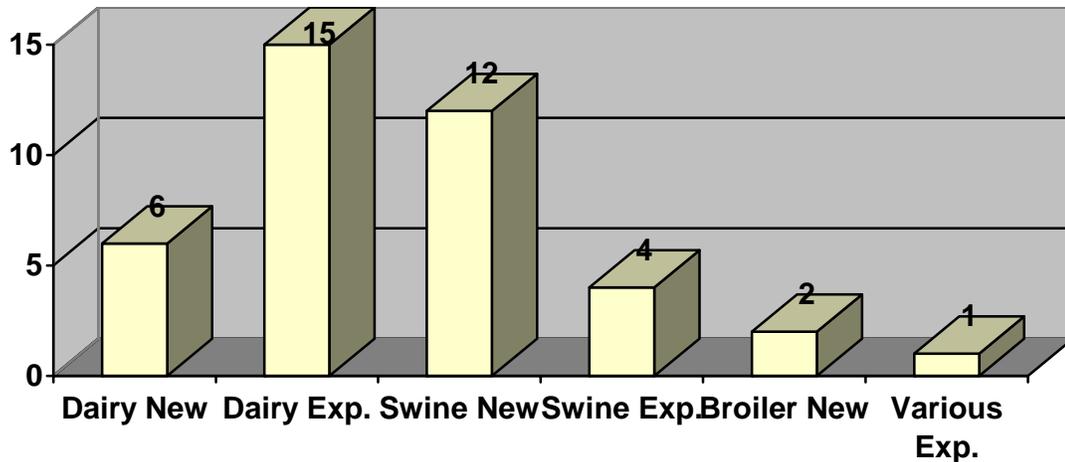
MDA received 40 verification requests in Fiscal Year 2006. Of the 21 verifications for dairy, fifteen were for expansions and six for new facilities. Dairy heifer verifications include one expanding; swine had twelve new, and four expanding facilities; poultry had two new facilities; and one expanding “various species”.

Table 7 and Figure 7 show the number of verification requests by species and if they were new or expanding facilities.

**Table 7.** Verification requests by livestock species

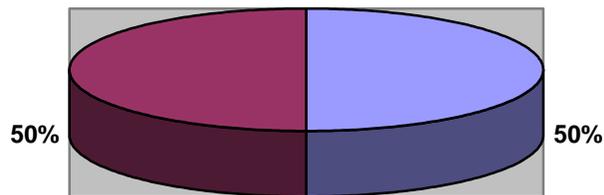
Dairy		Dairy Heifer		Swine		Poultry	Various
Total = 21		Total = 1		Total = 16		Total = 2	Total = 1
Expanding	New	Expanding	New	Expanding	New	New	Expanding
15	6	1	0	4	12	2	1

**Figure 7.** Verification requests by species



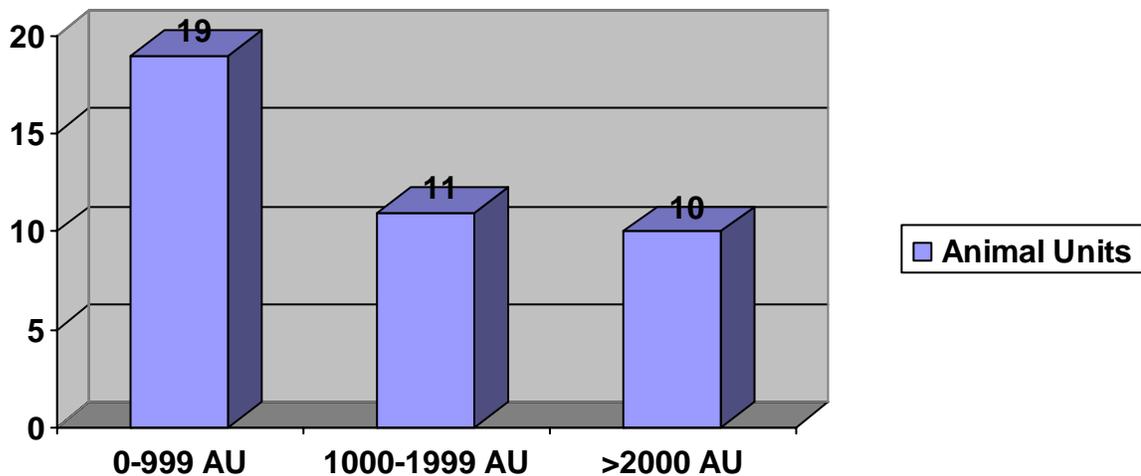
Out of the 40 verification requests, 20 were for expanding facilities and 20 were for new facilities. Figure 8 illustrates the percentage of new versus expanding facilities.

**Figure 8.** Verification requests



Of the 40 verification requests, 19 requests were for 50-999 Animal Units (AU) facilities, 11 were for 1000-1999 AU facilities, and 10 were for 2000+ AU facilities as shown in Figure 9.

**Figure 9.** Verification requests by animal units



Out of the 40 new verification requests, 22 were approved and 18 are pending. RTF staff conducted 37 initial inspections, 12 interim inspections, and 14 final inspections during the 2006 fiscal year.

With an expanding population, growing farms, and greater awareness by citizens and producers of environmental and social issues, site selection for new and expanding livestock facilities is becoming an increasingly important tool to address potential impacts on the overall surrounding environment.

For further information regarding the Right to Farm program, please contact:

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