

Approved: 2-20-98
Date

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

The meeting was called to order by Vice-Chairperson Stephen Morris at 8:07 a.m. on February 18, 1998 in Room 254-E of the Capitol.

All members were present except: Senator Corbin

Committee staff present: Raney Gilliland, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
Lila McClafin, Committee Secretary

Conferees appearing before the committee:
Gary Mitchell, Secretary, Kansas Department of Health and Environment
Senator Marge Petty
Dean Thomas, Sheridan County Commissioner
Bob Runnels, Kansas Catholic Conference

Others attending: See attached list

A motion was made by Senator Biggs with a second from Senator Tyson to approve the minutes of February 13 and 17. The motion carried.

SB 524 - concerning water pollution control; relating to swine confined feeding facilities.

Vice-Chairperson Morris opened the hearing on the bill. A fiscal note was distributed. The fiscal note states they anticipated that **SB 524** would have no fiscal effect on state revenues or expenditures. Secretary Mitchell was called on to present information.

Secretary Gary Mitchell testified based on the limited scope and extent of the proposed bill, they did not believe the bill would have a significant impact on KDHE and they are neutral regarding the proposal. They listed eight different issues and concerns for the committee to consider (Attachment 1).

Senator Marge Petty presented information summarizing the aspects of confined animal feeding operations in the surrounding states (Attachment 2). She said the bonding issue would make the owners of swine facility that fell under the guidelines responsible for their actions. She thought Kansans were basically very responsible people. Senator Petty submitted for the record a booklet "North Carolina Agricultural Statistics 1996". This booklet is on file in the office of Legislative Research. Senator Petty responded to questions.

Vice-Chairperson Stephen Morris asked Senator Petty to submit an outline of her remarks. She said she would do so.

Dean Thomas, Sheridan County Commissioner, said he strongly believed that financial assurance must be met by businesses or individuals prior to construction of swine confinement facilities. Counties need to have some assurance that if the facilities fail they are not left holding the bag to clean up the end results (Attachment 3). Mr. Thomas distributed an article from the Denver Post, dated November 16, 1996 that discussed the Circle Four Farms facilities in Milford, Utah.

Bob Runnels, Executive Director, Kansas Catholic Conference, said the conference supported the bill because they believe it would give vital protection to the water supplies in Kansas (Attachment 4)

Mr. Runnels, responding to a question said they were involved because family farmers need to be good stewards in their communities, and they also believed in protecting the family farm.

Senator Biggs said the proposed legislation goes a step further to provide some financial protection to counties and taxpayers in case of abandonment. It should have no impact on the truly family farms (Attachment 5). Included with his testimony is an article from the Kansas City Star, 2-7-98. The article titled "Hottest Iowa

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, Room 254-E Statehouse, at 8:00 a.m. on February 18, 1998.

issue involves many hogs". The article states that in Iowa presidential candidates for the year 2000 will have to address the new subject of "hogs".

Senator Biggs responded to questions. He thought the big issue to address is the tremendous growth of new or expanded construction of corporate swine facilities.

Vice-Chairperson Morris closed the hearing for the proponents and extended the hearing for opponents until February 19. He asked the opponents to return at that time to present their testimony.

The next meeting is scheduled for February 19, 1998.

The meeting adjourned at 9:00 a.m.

**SENATE ENERGY & NATURAL RESOURCES
COMMITTEE GUEST LIST**

DATE: 2/18/98

NAME	REPRESENTING
Judy Molen	Ks. Arising Contin
Dean Thomas	Sheridan Co Commission
Mike Beam	Ks LUSTK Assn.
Sally Finney	Ks. Public Health Assn.
Mo Jensen	Ks Park
Jim Allen	Sea board
George Teagarden	KAHD
Bob Ruppello	Lo Catholic Conference



KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
BILL GRAVES, GOVERNOR
Gary R. Mitchell, Secretary

Testimony presented to

Senate Energy and Natural Resources Committee

February 18, 1998

by

Gary R. Mitchell
Secretary of Health and Environment

Senate Bill 524

Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today to discuss SB 524.

Comments received to date regarding the proposed regulations addressing livestock waste management program requirements administered by the Kansas Department of Health and Environment (KDHE), have noted concern over the possibility of the Kansas taxpayer potentially paying for the cleanup of large swine facilities if the facility were to be abandoned. The proposed bill addresses this concern. The bill only addresses new swine operations or existing swine operations where the animal unit capacity will be 1,000 animal units or more. The bill requires the Secretary to establish a cleanup cost based on animal unit capacity. The bill requires either a surety or cash bond to be secured by the owner.

We currently handle abandoned facilities very infrequently and utilizing our existing broad statutory and regulatory authority. We have required lending institutions to implement facility closures when they have foreclosed on an operator. Our current draft regulations address facility closures in more detail, but do not address the surety/cash bond concept. Based on the limited scope and extent of the proposed bill, we do not believe the bill will have a significant impact on KDHE and are neutral regarding the proposal.

A number of issues and concerns for the committee's consideration:

1. Use of the term owner vs. permittee or operator. The owner may lease out the facility to someone that is ultimately issued a KDHE water pollution control permit. The owner may not be the operator or permittee.

2. As written, this would limit the financial security instrument to either a surety bond or a cash bond. In other environmental programs letters of credit, certificates of deposits placed in a trust with KDHE as an owner, and use of a financial test have been utilized in lieu of the bond proposal.
3. The amount of bond is to be based on the number of head capacity. We anticipate this will be based on broad estimates of possible clean up costs spread over the covered facilities. The type of waste handling system and its location is potentially a larger indicator of pollution potential than is capacity by animal units. We don't think the legislature intends for KDHE to estimate clean up costs separately at each new site. (i.e., more costly to remove a vinyl line than to deal with closing a clay lined facility.)
4. The bill could require the operator provide a detailed cost estimate of the required closure cost as a part of the application.
5. The bill needs to clarify whether the surety/cash bond is to be secured prior to issuance of the permit.
6. The bill should define the term "abandoned" to narrow down future arguments as to when the facility is abandoned and we can collect on the bond. Our fight will be with the bonding company, not the operator.
7. Are there companies that are available and willing to provide this type of bond for livestock operations?
8. For discussion purposes, another approach is a trust fund administered by KDHE or some other organization.

I appreciate the opportunity to appear before you today, and would be pleased to answer any questions from the Committee.

Summary of CAFO Statutes

The statutory regulations concerning four aspects of Confined Animal Feeding Operations (CAFOs) in other states was investigated: 1) indemnity against closure expenditures; 2) Methods of Closure required for waste lagoons; 3) Odor control; 4) current moratoriums on CAFO permitting. A brief summary of all subjects is given first, followed a more detailed description of the specific statute.

I. Indemnity or Surety Bonding for CAFOs. Only three states currently require some type of assurance that the owner/operator of a CAFO will be liable for proper closure of the operation. *In each case the statute applies broadly to "livestock operations" not just to swine CAFOs.*

1. **Iowa:** Fee to be paid at permitting; per animal unit, based on weight capacity, sliding-scale from 300 AUs up, with three 'classes'. Fees go into a fund used to indemnify counties for cleanup and closure. Applies retroactively to operations that are up to ten years old; if it has more than ten years since its permitting, an operation is exempt from fees payment.

2. **Missouri:** Permitted CAFOs are broken down into four "classes" based on animal unit capacity, from 300 AU on up. Only Class IA, which is categorized as having 7,000 AU or more are requires to pay into an indemnity fund. Fees of ten cents per AU are collected from Class IA CAFOs annually for first ten years of operation. Method of closure required is specified.

3. **Oklahoma:** Surety requirement begins at 300 AU capacity. Two different "categories" of surety outlined. Type "A" requires proof of financial liability from bank or financial institution; three "steps" of liability, amount required is sliding scale based on AU capacity from 300 AU up. Type "B" is used for operators who have history of violations or are delinquent in fees or penalties. Based on operator's history, with a minimum suggested of \$25,000, but must at least cover potential cost of closure.

Oklahoma also requires that applicant sign notarized statement of full financial responsibility for closure.

II. Closure Requirements: Only Illinois and Missouri specify closure methods for animal waste lagoons.

III. Odor Control: Illinois, North Carolina, South Carolina, and Oklahoma include restrictions on odor. Several states have "right to farm" laws which do not allow lawsuits under a nuisance claim to be brought for odor problem if operator is operating under legal permit.

IV. Moratorium: North Carolina: moratorium now on permitting of new facilities or expansions to existing facilities.

Senator Marge Petty
Senate Energy & Natural Resources

Attachment: 2

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I. Bonding and Indemnity For CAFOs

STATE: Iowa : Statute: I.C.A. §§ 204.2 - 204.3 Manure Storage Indemnity Fund

Note: Indemnity Fund not swine specific: for all CAFOs

- Source:** Fee assessed upon permittees prior to issuance of permit. Other sources include legal actions or settlements won by Dept. of Natural Resources and/or Dept. Agriculture.
- Fee Structure:** Based 'sliding scale' related to total weight capacity:
≤625,000 lbs.: poultry: two cents per animal unit; All other animals five cents per animal unit;
≥625,000 but ≤ 1, 250,000 lbs. : poultry three cents, all other animals seven and one-half cents per AU;
≥ 1,250,000 lbs.: poultry four cents, all other animals ten cents per AU.
- Applicability:** Applies retroactively to all who have received a permit as of the date of enactment, *unless that construction permit was more than ten years prior to the effective date.*
- How Fund is Used:** Funds used to indemnify county for cleanup of a CAFO, including removing and disposing of manure from a manure storage structure, and to pay department for administration costs.
- How Fund is handled:** Fees are collected by Dept. of Natural Resources from fees, but held by Dept. of Agriculture and disbursed by State treasury upon warrants drawn by director of finance pursuant to order of the department.
- Restrictions:** Administrative costs not to exceed 1% of fund, or \$10,000 per fiscal year. At end of each fiscal year, any funds not obligated or encumbered, less the department's estimate of the cost of the fund or any outstanding claims, and which are in excess of one million dollars, are turned over to treasurer and deposited in the organic nutrient management fund.
- Penalties:** Statute provides for penalties for late payment of fees; and provides that Dept. of Agriculture and land stewardship may bring a court action in order to collect late penalties

and delinquent fees.

STATE: Missouri V.A.M. 640.745 Concentrated Animal Feeding Operations

Note: *Not swine specific; considers flush system of moving or removing manure and utilizing liquid an important part of definition of the CAFO (as opposed to a 'mechanical' method.)*

Classes of CAFOs “**Class IA**”: CAFO with capacity of 7,000 animal units (AU) or more;
 “**Class IB**”: CAFO with capacity between 3,000 and 6,999 AU;
 “**Class IC**”: CAFO with capacity between 1,000 and 2,999 AU;
 “**Class II**”: CAFO with capacity of at least 300 AU, but < 1,000.

Fees: Each **Class IA** CAFO, utilizing a flush system, shall remit to Department of Natural Resources ten cents per animal unit permitted.

Use of Fund: To be used by Dept. for closure of Class IA, class IB, Class IC and Class II CAFO wastewater lagoons. Can only be used for closing lagoons on property which has been placed in control of state, county or municipality, and pose a threat to human health, the environment, or a threat to groundwater, and which the government entity holding the property has not been able to sell off.

Restrictions: No more than \$100,000 can be spent for closure of any one waste lagoon. Only as much to be expended as necessary to achieve a minimum level of closure and still protect the human health and environment.

Closure details: Closure activities shall include lagoon dewatering and removal of animal waste sludge, if any, both of which shall be land applied at nutrient management application rate based on the most limiting nutrient as determined by Missouri clean water commission regulation. After dewatering, lagoons which are located in a drainage basin and are capable of meeting all applicable pond requirements with minimal expense should be maintained as a pond. Otherwise, the lagoon should be breached and graded in a manner to reasonably conform to the surrounding land contours. *Note: the statute does not articulate closure requirements elsewhere, so its difficult to tell if the closure methods detailed in this section are to apply to all CAFO lagoon closures, or if these methods are strictly for the use of government directed closures, when fund is utilized.*

STATE: Oklahoma 2 Okl. St. Ann. § 9-209.1 Oklahoma Concentrated Animal Feeding Operations Act - Evidence of financial liability

Note: Not swine specific: for all confined animal feeding operations with a liquid management system. Requires evidence of financial liability to comply with closure requirements.

Posting Surety

Two categories of Surety are outlined:

1. Category A: requires a financial statement listing assets and liabilities and a general release for verification of the information with banks and financial institutions. The net worth the statement must provide is based upon the capacity being permitted:

- a. \$10,000 for 300 to 1,000 animal units (AU) ;
- b. \$25,000 for > 1000 but < 2,000 AU;
- c. \$50,000 for > 2,000 AU,

Or:

2. Category B: shall include an irrevocable commercial letter of credit, cash, cashier's check, Certificate of Deposit, Bank Joint Custody Receipt, other negotiable instrument or blanket surety bond, in the amount, generally of \$25,000. This can be set at a lesser amount by the Department, if owner's past performance warrants smaller surety figure, but must be sufficient to cover the estimate cost of all closure and removal operations currently the responsibility of that owner or operator. Any Category B must constitute an unconditional promise to pay and be in a form negotiable by the Department.

Category B is triggered when an animal feeding operation has outstanding fines or contempt citations pursuant to Oklahoma CAFO Act. If operator has posted Category B for three years and has no more outstanding fees, they may post Category A surety.

Transferees:

If title to the CAFO is transferred, the transferee shall furnish the evidence of financial ability to close the surface impoundments.

Penalties:

If owner/operator has been shown to be responsible for pollution, the Department, after notice and hearing, may require the filing of an additional Category B surety in an amount greater than \$25,000, but not to exceed Five dollars times the number of animal units for the facility being licensed.

If the Department determines, after a notice and hearing, that a CAFO owner has neglected, failed or refused to close a surface impoundment, or has abandoned the facility, the operation is deemed to have forfeited the letter of credit or negotiable instrument, or the operation shall pay to the state the cost of closure of the surface impoundment and removal of any equipment.

Litigation Costs: Allows for costs to be recovered for the Department arising from any litigation required to enforce the statute.

Full Responsibility: Applicant for [CAFO] permit must sign a notarized statement accepting full responsibility for properly closing all waste retention structures if the facility ceases to function or is ordered to close by action of the Department. When a license is transferred, the new owner or lessee shall submit a signed notarized statement accepting full responsibility for closure.

II. CLOSURE REQUIREMENTS

STATE: Illinois

510 ILCS 77/15 Livestock waste Lagoons

§15 (e) Closure of livestock waste lagoons. When any earthen livestock waste lagoon is removed from service, it shall be completely emptied. Appropriate closure procedure shall be followed as determined by rule. The remaining hole must be filled. The closure requirements shall be completed within two years from the date of cessation of operation unless the lagoon is maintained or serviced. The Department may grant a waiver to the before-stated closure requirements that will permit the lagoon to be used for an alternative purpose.

Missouri 77/25 : as above, in indemnity requirements

III. ODOR Control

Illinois 510 § 77/25 Odor Control. Operators of livestock waste handling facilities shall practice odor control methods during the course of manure removal and field application. Odor control methods shall be those methods identified in the rules adopted pursuant to the Illinois Environmental Protection Act concerning agriculture related pollution.

North Carolina §143-215.10C(e) Animal waste management plans shall include all of the following components:

- (1) A checklist of potential odor sources and a choice of site specific, cost effective remedial best management practices to limit those sources.

Oklahoma § 9-205.3 (B4d) Best Management Practices This section requires all licensed feeding operations to utilize Best Management Practices. Under these guidelines: animal waste handling and treatment, management and removal shall:

- d. Not create unnecessary and unreasonable odors. Odors are unnecessary and unreasonable if such odors may be reduced by more efficient management practices at a reasonable expense.

In addition, the statute specifically requires that “land application practices be managed so as to reduce or minimize: (3) odor. (C.4.b(2))

South Carolina Chapter 20 Confined Swine Feeding Operations,

§ 47-20-70 Emission of undesirable level of odor.

No one is allowed to cause or permit an “undesirable level of odor” into the air. Such emissions will be judged by the department “based on the character and degree of injury and interference to . . . people, plant, animal or marine life; property; enjoyment of life or use of affected property. The department may require abatement or control practices, which may include the removal or disposal of odorous materials; methods in handling and storage of odorous materials that minimize emissions; prescribed standards in the maintenance of premises to reduce odorous emissions, and use of the best technology available to reduce such emissions. The statute also notes that “Nothing in this section prohibits an individual or group of persons from bringing a complaint against an animal feeding operation.” (Effective July 1996.)

IV. MORATORIUM

North Carolina Session Laws 1997-458, § 1.2(a), effective August 27, 1997, provides, in part: “There is hereby established a moratorium for any new or expanding swine farm or lagoon for which a permit is required under Parts 1 or 1A of Chapter 143 of the General Statutes in any county in the State: (i) that has a population of less than 75, 000 according to the most recent decennial federal census; (ii) in which there is more than one hundred fifty million dollars of expenditures for travel or tourism based on the most recent figures of the Department of Commerce; and (iii) that is not in the costal area as defined by G.S. 113-103. Effective 1 January 1997, until 1 March 1999, the Environmental Management Commission shall not issue a permit for an animal waste management lagoon, as defined in G.S. 143-215.10B, or for a new or expanded swine farm or lagoon,

as defined in G.S. 106-802. The exemptions set out in subsection (b) of Section 1.1 of this act do not apply to the moratorium established under this section.

Presenter:
Dean Thomas
Sheridan County Commissioner
Hoxie, KS 67740

To:
Senate Energy and Natural Resources Committee
Senate Bill 524
Swine Confinement Feeding Facilities

Dear Senators,

I am here today to speak on behalf of Senate Bill 524. I strongly feel that financial assurance must be met by any business or individual prior to construction of swine confinement facilities.

If a business wants to come into a county with the intent to build a swine feeding facility they must display their intent of good will. One way for them to display this sign of good faith would be to obtain a surety bond in case of contamination, pollution or spillage.

Counties have no other assurance that a business would not just pull up stakes and leave them with a costly mess. These businesses have no binding ties to our counties. They have no family or friends to answer to if their investment doesn't meet their expectations. We on the other hand have invested a lifetime in our respective counties, and it's our home. We feel we should ultimately have the final say on who and what businesses will locate in our communities. We have the insight to know when something will prove to be a detriment to our county. Our voters have already spoken to us and told their feelings on this issue. They said **NO**. But, if you in your wisdom feel we should not have that say, we should at least have some assurance that we will not be left holding the proverbial end of the stick without the means to clean up the "end" results.

The counties have been put on notice by the KDHE that we, the counties, must meet financial assurance if we intend to keep our landfills operating. A landfill would never provide the source of contamination, as would a swine feeding facility. Yet landfills have been closed in this state due to confirmation of water contamination. What is going to happen when our water becomes contaminated due to the swine facility? I can tell you what will happen. The source will be gone, and the counties are going to be down here on your doorstep. And once again, the taxpayer will end up being the loser, and pay for something they didn't want in the first place.

Thank you for the opportunity to voice my support for SB 524.

Senate Energy & Natural Resource

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TESTIMONY

SENATE BILL 524

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
February 18, 1998 – Wednesday – 8:00 a.m. Room 254

KANSAS CATHOLIC CONFERENCE

Bob Runnels, Executive Director

Thank you Chairman Corbin and members of the committee for the opportunity to speak on this bill.

I am here today to support this bill because I believe it gives vital protection to our water supplies here in Kansas.

Included among the states currently dealing with confined animal feeding operations issues are: Alabama, Georgia, Illinois, Indiana, Iowa, Kentucky, Minnesota, Nebraska, North Carolina, Ohio, Oklahoma, South Dakota, Texas, Utah, and Washington. Legislators, judges, and local citizens groups are reviewing the legal safeguards at every level to ensure clean water, a safe environment, food safety, and social justice. Such efforts are beginning to pay dividends:

- In Indiana, for example, an administrative law judge has shut down a proposed confined feeding operation.

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- In Kentucky, the attorney general has ruled that large operations are not exempt from local ordinances saying they are “not reasonable or prudent, accepted and customary.”
- After two years of difficulties, North Carolina has imposed strong restrictions on confinement operations.
- South Dakota citizens recently secured sufficient signatures (31,000) to hold a statewide referendum proposing an anti-corporate farming law similar to Nebraska’s.
- An overwhelming number of counties in Kansas had voted against new corporate hog farms.
- At the federal level, a new bill has been introduced to regulate confined animal feeding operations and a federal summit is being proposed to discuss animal-waste management.

Senate Bill 254 will help protect our water supply both for rural and urban life in Kansas.

As our legislators you need to pass laws which will not only protect the financial well being of our citizens, but their very health.

DONALD E. BIGGS
SENATOR, 3RD DISTRICT
LEAVENWORTH & JEFFERSON COUNTIES



COMMITTEE ASSIGNMENTS
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TOPEKA

SENATE CHAMBER

February 18, 1998

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE HEARING
SB524

TESTIMONY OF SENATOR DON BIGGS

This bill applies to new construction or new expansion of a swine confined feeding facility with an animal unit capacity of 1000 or more (that's 2500 hogs) to provide a surety or cash bond to pay the costs of clean-up in the event such facility is abandoned. The amount of the bond is to be established by the Secretary of Health and Environment based on the animal unit capacity of the facility.

Proposed draft regulations by KDHE call for a closure plan. This is timely as clean-up costs will increase with the advent of plastic lagoon liners. The proposed legislation goes a step further to provide some financial protection to counties and taxpayers in case of abandonment. It is very modest legislation that should have no impact on true family farms. Good corporate citizens should have no fear of its provisions.

We know there are going to be abandoned facilities in the future with the rapidly changing technology and markets plus the tremendous growth in production capacity with hog factories around the country. Premium Standard Farms, one of the nation's leading industrial hogging corporations, has filed for bankruptcy despite its state of the art practices and efficiencies of corporate farming. This prompted the state of Missouri to create a

Senate Energy & Natural Resources

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CAFO indemnity fund to help pay for the closure and clean-up of abandoned and foreclosed sites.

Some of us heard a report by the Deputy Director of the Illinois Department of Agriculture on the National Environmental Dialogue on Pork Production. One of their six recommendations was:

Pork producers should guarantee the full cost of closing all lagoons, basins, and the disposal of manure if the producer stops operating at the site.

Iowa's Governor Branstad has suggested a proposal that includes doubling the fees charged for large hog facilities in order to fund a larger indemnity fund to protect local governments from the cost of cleaning abandoned hog lots.

The hog issue is not going to go away. Please note the attached news article on Iowa where it is even becoming part of presidential politics for year 2000. The February, 1998, issue of "Governing" listed ten top state legislative issues with #5 being animal waste mostly related to swine production.

This bill is an opportunity for Kansas to take a proactive stance to address one issue. I hope that this committee will act favorably and send the bill to the Senate floor for discussion and debate. Thanks for your consideration.

Hottest Iowa issue involves many hogs

By STEVE KRASKE
Political Correspondent

2-7-98

Presidential candidates trooping through Iowa these days expect the usual questions about campaign reform, immigration, greenhouse gases and international trade.

But in meetings in rural hamlets, men dressed in overalls with windburned faces are rising to ask about a new subject.

Hogs.

Zooming to the top of the issues agenda is how to regulate a sudden influx of giant hog lots sheltering 10,000 snorting, smelly, slothful pigs at a time.

Call it pork politics.

"It's hot now," said Steve Roberts, a Republican national committeeman from Des Moines. "It's big-time hot."

So hot that Missouri Republican Sen. John Ashcroft, eyeing a run at the White House in 2000, was forced to confront the issue with some regularity when he made his first visit to the state.

For Election 2000 contenders, the key concern is what role, if any, the federal government should take in regulating hog lots.

In a state that holds the first caucus and thus the hopes of presidential candidates, the questions are particularly troublesome for Republican candidates.

On the one hand, they want to protect business, a traditional constituency. But if they do that, another group of GOP loyalists, rural voters, might become angry. They want assurances that the giant farms won't pose risks to their quality of life.

"Republicans are getting whipsawed," said Dennis Goldford, who teaches political science at Drake University in Des Moines.

Ashcroft, who dealt with the issue as Missouri's governor, was prepared: "I think that's an issue for the state of Iowa

to be involved in and to make decisions on," he said when questioned on an Iowa Public Television interview show. "To have a 'one-size-fits-all' approach imposed industry-by-industry across America, I have real reservations about."

Not everyone agrees. Sen. Tom Harkin, a Democrat, has introduced a bill that would enable the federal government to set new environmental standards for managing animal waste from large operations.

Giant hog lots, with their waste and odors, are far unlike an ordinary farm.

"It's the difference between living next to a local blacksmith and U.S. Steel," Goldford said.

But crack down too hard and the industry might pull up and take its jobs elsewhere, even out of the country.

With 12.2 million hogs in 1996, Iowa is home to more hogs than any other state. Missouri ranked seventh in 1996 with 3.5 million hogs. Kansas was ninth with 1.5 million.

But Iowa's pork industry is changing rapidly. The 12.2 million hogs in 1996 was a sharp decrease in the overall number from the 16.1 million hogs the state had four years earlier.

A broader issue is whether family farms should be sustained, and how that can happen in light of the influx of the huge factory farms, which also handle chickens and cattle.

Giant operators are pushing small farmers out of the business. Between 1992 and 1996, large-scale operations of 2,000 or more hogs went from comprising 18 percent of the state's hog inventory to 33 percent.

"I would say it's probably the number one issue in the state," said Colin Scanes, an associate dean at Iowa State University's College of Agriculture.

"It's not a very winning issue," Goldford said.