

WDA: Proud to be part of another win for Wisconsin's regulated community

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On July 9th, the Wisconsin Supreme Court ruled the Department of Health Services (DHS) exceeded their explicit recouping authority concerning Medicaid policies in the Kathleen Papa v. DHS (2017AP634) case. This is yet another win to add to the growing number of recent wins that supports Act 21, a critically important piece of legislation protecting the future of agriculture in our state.

The Great Lakes Legal Foundation (GLLF) filed an amicus brief on behalf of WDA as well as five other state associations; Wisconsin Manufacturers and Commerce, Midwest Food Products Association, Wisconsin Farm Bureau Federation, Outdoor Advertising Association of Wisconsin and Wisconsin Paper Council. We argued DHS lacked explicit statutory authority to enforce its recoupment policies...and the Supreme Court agreed.

"The WDA applauds the Wisconsin Supreme Court on their recent decision which directly impacts the CAFO operations in Wisconsin. This Kathleen Papa v. DHS (2017AP634) decision clarifies once again, that agencies such as the WDNR are not allowed to implement or enforce any standard, requirement, or threshold....unless that standard, requirement or threshold is explicitly required. This means guidance documents do not have the force of law and agencies do not have the authority to implement or enforce them. Instead, these agencies must go through the formal rulemaking process in order to be lawful," said Cindy Leitner, Wisconsin Dairy Alliance President.

The Great Lakes Legal Foundation is a non-profit legal foundation providing legal and policy support to advance regulatory reform and the rule of law within state agencies. They fight to assure people are regulated fairly by agencies, consistent with clear statutory authority and through administrative law rule making procedures.

We are honored to be members of the Great Lakes Legal Foundation and appreciate all of the work they did to help us get this amicus brief prepared and submitted on our behalf as we continue to fight for CAFOs in Wisconsin.

WDA is proud to be part of another big win for Wisconsin's regulated community.

About Wisconsin Dairy Alliance

WDA represents modern regulated dairy farms in Wisconsin and works diligently to preserve Wisconsin's heritage as the Dairy State. Our non-profit organization advocates for the truth by contesting unnecessary regulations that do not protect natural resources. The WDA believes in parity for all dischargers and works to operate under the uniform "zero-discharge" standard applied to WDA members.