



Reckless Lawsuit Filed by Factory Farm Groups Threatens to Eliminate Environmental Oversight of Wisconsin's Largest Livestock Operations

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Madison, WI—Environmental and public health advocates are warning that a recent lawsuit filed against the Wisconsin Department of Natural Resources (DNR) by two factory farm groups threatens to eliminate critical environmental oversight of Wisconsin's largest livestock operations and could lead to widespread contamination of drinking water and surface water.

Wisconsin Dairy Alliance and Venture Dairy Cooperative filed the lawsuit over the DNR's authority to require concentrated animal feeding operations (CAFOs) to apply for permits under Wisconsin's Water Pollution Discharge Elimination System ([WPDES](#)) program.

In [a complaint](#) filed on May 26, the groups allege that factory farms should no longer have to apply for water pollution permits, a change that would eliminate the main source of environmental oversight of factory farms in Wisconsin. In [a response](#) filed on July 13, the DNR denies the allegations.

"This reckless lawsuit seeks to critically weaken the state's power to regulate livestock operations that generate massive amounts of liquid manure," said Peg Sheaffer, Communications Director for Midwest Environmental Advocates (MEA). "It's a threat to public health and to all sectors of our economy—including tourism and agriculture—that rely on clean water."

Wisconsin Dairy Alliance and Venture Dairy Cooperative claim to represent the dairy industry, although it's unclear whether they have any members beyond the small group of individuals whose names are listed on [paperwork filed with the state](#).

"There's overwhelming evidence to show that CAFOs cannot be trusted to regulate themselves," said Midwest Environmental Advocates Staff Attorney Adam Voskuil. "Some of the people most closely associated with the groups that filed this lawsuit have a terrible environmental track record."

According to public records, the DNR and the Wisconsin Department of Justice [took enforcement action](#) against Todd Tuls, a founding board member of Venture Dairy Cooperative, for [a massive manure spill](#) in 2016 at Emerald Sky Dairy in St. Croix County. The spill, which sent 300,000 gallons of manure into a wetland, went unreported by Tuls until the DNR received an anonymous tip four months later.

In 2017, the DNR [took enforcement action](#) against Randy Schmidt—another CAFO operator closely associated with Venture Dairy—in response to a significant manure spill at Schmidt’s S&S Jerseyland Dairy. Schmidt is listed as a board member on the most recent annual report filed by Venture with the state of Wisconsin.

In the past two decades, CAFOs have come to represent an increasing percentage of Wisconsin’s livestock industry. In 2005, there were 135 permitted CAFOs operating in the state. Today, there are more than 330.

“As CAFOs continue to proliferate and expand, the amount of manure they produce—and the potential for spills, leaks and overspreading—will only increase,” said MEA Senior Staff Attorney Dan Gustafson. “Without DNR oversight, it would be incredibly difficult for neighbors and community members to know how and where that manure is disposed of.”

Wisconsin Manufacturers & Commerce (WMC) is providing legal representation to Wisconsin Dairy Alliance and Venture Dairy Cooperative in the lawsuit. WMC is simultaneously engaged in two other lawsuits against the state, [one filed in 2021](#) and [another filed last month](#). Both are aimed at dismantling Wisconsin’s Spills Law, a law that gives the state the ability to address PFAS and other types of toxic contamination.

The three groups—Wisconsin Dairy Alliance, Venture Dairy Cooperative, and Wisconsin Manufacturers & Commerce—have a history of attempting to undermine environmental oversight at the local level as well.

In 2020, Wisconsin Manufacturers & Commerce, Wisconsin Dairy Alliance and Venture Dairy Cooperative sent [a threatening letter](#) to the Polk County Board of Supervisors alleging the supervisors could face criminal felony liability for their efforts to protect water from CAFO pollution.

In 2022, Wisconsin Manufacturers & Commerce sued a small town in Polk County over a local [livestock operations ordinance](#), requiring any new CAFO with more than 700 animal units or any existing CAFO that expands to more than 1,000 animal units to apply for a license from the township. That case has since been dismissed, although [local residents anticipate](#) that WMC may try to refile the case.

Lisa Anderson, a resident of rural Nelsonville in Portage County, said, “The purpose of the WPDES permitting program is to protect water. Why would these groups be opposed to that? Do they not care about the health of their rural neighbors? It feels like a slap in the face.”

In 2018, the Portage County Health Department tested private drinking water wells in Nelsonville and found that [almost half were contaminated with high levels of nitrates](#), an agricultural pollutant that can harm human health. The ongoing water quality crisis has led local residents to call for increased accountability and oversight of CAFOs. Despite [opposition from WMC, Wisconsin Dairy Alliance and Venture Dairy Cooperative](#), Nelsonville residents continue to work to counter CAFO industry misinformation.

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Midwest Environmental Advocates remains committed to supporting Wisconsinites in their efforts to protect their communities from agricultural pollution by providing legal services, technical assistance, education and networking support. Learn more at www.midwestadvocates.org.