



## Fact Sheet on Tyson Bill (SB 405)

---

Current law requires a 4000-foot setback from habitable structures for broiler chicken production operations that confine 100,000 or more birds. Habitable structures include a dwelling, church, school, medical care facility, adult & child care facilities, community & office buildings, or food and lodging establishments. The impacts of SB 405 are listed as follows:

### Air Pollution

1. SB 405 would allow *333,333 chickens to be placed within 1320 feet (1/4 mile) of a habitable structure*;
2. SB 405 would allow up to 100,000 birds to be placed virtually anywhere with no setback to habitable structures. Because agricultural land in Kansas is exempt from local zoning the only applicable setback in this case is 100 feet from the non-owned property line nearest the production barns;
3. The three-fold reduction in separation distance proposed by SB 405 does not take into account the presence of large amounts of dust exhausted by powerful fans from the end of barns that will be 500 to 600 feet long. This dust is comprised of manure particles and bacteria known to pose a disease risk to humans downwind.

### Water Pollution

1. The proposed animal unit conversion factor of 0.003 for broiler chickens is based on a comparison of the body weight of a broiler chicken and a beef cow which is set at 1.00 animal units. But chickens produce twice as much manure that contains twice as much nitrogen and six times as much phosphorus as cow manure. Nitrogen and phosphorus are the greatest threat to streams from waste application runoff.
2. The claim by the KDA Secretary that the low 0.003 conversion factor just brings us in line with Wisconsin and Minnesota is incorrect. Wisconsin is 0.008 and Minnesota is 0.005 for chickens more than 5 lbs.
3. With SB 405's greatly reduced animal unit conversion factor, most production barn sites will not be required to prepare a nutrient management plan (NMP) set to federal requirements. KDHE's waste management plan for the others does not require reporting of soil tests to prevent waste overload.
4. Even if a NMP is required, experience in other states with massive poultry networks indicates that most of the manure will be shipped off site. KDHE has no system to track the ultimate disposal of this manure.

### Summary and Recommendation

SB 405 should be tabled until a study is commissioned to estimate the health impacts to neighbors living only 1320 feet downwind of 333,333 chickens. KDHE should also study how it will keep track of all the manure that will be shipped around the state.