

To: All Legislators

From: Wisconsin Manufacturers and Commerce
Dairy Business Association
Wisconsin Farm Bureau Federation
Wisconsin Food Products Association
Wisconsin Industrial Energy Group
Wisconsin Paper Council
Wisconsin Pork Association
Wisconsin Potato and Vegetable Growers Association

Re: Local Regulation of Quarries Creates 1,851 Mini-DNRs

Date: September 6, 2017

Dear Legislator,

Last night, the JFC added a provision to the state budget related to the local regulation of quarries. **We believe those provisions will create uncertainty and confusion across the state, and could dramatically alter the regulatory system in Wisconsin.** The above-named groups are writing to ask you to remove those provisions from the state budget and introduce them as a separate bill where these concerns can be fully vetted through the legislative process.

This new budget provision provides limited regulatory relief to one segment of the non-metallic mining industry while putting all other Wisconsin industries at risk.

We thank the Wisconsin Towns Association for finally admitting that there have been some significant regulatory overreaches from town governments in Wisconsin, and we thank JFC members for attempting to find a solution to this problem.

However, the approach taken in Motion #413 does more harm than good, and will lead to even more regulatory uncertainty, confusion, and costly overreaches around the state.

Under current law, local municipalities are already preempted from regulating in areas where the legislature has (1) expressly withdrawn the power of municipalities to act; or (2) where local regulations would conflict with the purpose of existing state regulation.

- Air quality, water quality and blasting are examples of issues that are already regulated under comprehensive existing statewide regulations, and local governments are therefore preempted from regulating in those areas.

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- Preempting local governments from only regulating a single industry, based on the end use of their products sets a terrible precedent, will create further regulatory uncertainty, and will likely subject a host of other Wisconsin industries to the same regulatory overreaches that this motion seeks to guard against.

Regulatory certainty is an important issue for all of Wisconsin's industry groups, not just construction aggregate quarries. This budget motion picks winners and losers amongst Wisconsin industries based solely upon the end use of the product. **If this language remains in the budget, there is no getting around the fact that the Republican-controlled Legislature will have granted expanded environmental regulatory powers to municipalities. This motion is, in effect, creating 1,851 mini-Department of Natural Resources that businesses in the state will now have to navigate. The unintended consequences of this action could not be more dire.**

This Legislature has done so much work to turn our state around. Now is not the time to begin turning that progress back by deciding which Wisconsin industries can be subjected to significant regulatory overreach by local governments. We ask that you remove these provisions from the budget, introduce them as separate legislation, and let all affected industries fully vet these concerns through the legislative process.

Thank you for your time and consideration of this request.