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# PATRICK TESTIN

## STATE SENATOR

**DATE:** March 26, 2019  
**RE:** **Testimony on 2019 Senate Bill 35**  
**TO:** The Senate Committee on Agriculture, Revenue, and Financial Institutions  
**FROM:** Senator Patrick Testin

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Chairman Marklein and members of the committee, thank you for allowing me to present testimony on behalf of Senate Bill (SB) 35.

As you know, agricultural production is one of the most hazardous jobs in the country – in fact, the occupational fatality rate is nearly 800% higher than in other industries. Tractor rollovers are the leading cause of death on the farm; 96 farmers die from tractor rollovers annually according to the National Tractor Safety Coalition.

That's the bad news. The good news is that the majority of these rollover fatalities can be avoided. That's where Wisconsin's ROPS Rebate Program comes in. This program offers rebates to retrofit tractors that do not have an operator compartment structure to protect drivers from injury due to rollovers. The National Farm Medicine Center (NFMC) started the ROPS Rebate Program in 2012, and began offering rebates the next year with seed money raised from a farm safety fundraiser in Marshfield. The NFMC ROPS Rebate Program has 3 components: 1) social marketing to persuade farmers to retrofit their tractors, 2.) hotline and website assistance for farmers on ROPS availability and pricing, and 3) rebates for the retrofitting of the tractor.

SB 35 would require DATCP to make a grant to an organization that uses those funds to reimburse the cost of retrofitting a tractor. The organization receiving the funds must spend at least 70% of the grant funds to reimburse the retrofitting costs. The bill also requires the organization to report annually to DATCP on its expenditures of grant funds.

There are more than 100,000 tractors in Wisconsin that still need ROPS. SB 35 would help to make those tractors – and the men and women who use them - safer. Join me in supporting this bill and attempting to make farming safer for young, start-up farmers, older farmers, and small scale farmers across the state. I ask for your support.

# BOB KULP

STATE REPRESENTATIVE • 69<sup>TH</sup> ASSEMBLY DISTRICT

**To:** The Senate Committee on Agriculture, Revenue and Financial Institutions  
**From:** Representative Bob Kulp  
**Re:** Senate Bill 35  
**Date:** March 26, 2019

Mr. Chairman and members of the committee, thank you for hearing Senate Bill 35 today. This bill is a re-introduction of Senate Bill 780 from last session which had a public hearing and was unanimously recommended for passage by the Senate Committee on Agriculture, Small Business and Tourism on a vote of 9-0 last March.

In September 2017, a Marathon County farmer was killed when his tractor overturned, pinning him underneath it. By the time emergency personnel arrived it was too late, and he was pronounced dead at the scene.

These accidents are too common. Available research indicates, on average, five Wisconsin farmers and nearly 100 American farmers die each year due to similar accidents. These are all the more tragic because they would be so easily prevented by fitting the tractor with a rollbar. Unfortunately, at least half of Wisconsin's estimated 200,000 farm tractors were manufactured before manufacturers began installing safety equipment like rollbars, and have not been retrofitted.

Since 2013, the National Farm Medicine Center in Marshfield has been offering rebates to farmers for retrofitting their tractors with rollbars. As of this spring, they have retrofitted 250 tractors in 30 counties.

But thus far the program has run on donations, which are simply not reliable enough to ensure a steady ability to market and run the program. Other states, particularly New York and Minnesota, have similar programs that rely wholly or in part on state funding. We have introduced this bill to appropriate \$250,000 annually for retrofitting tractors with lifesaving rollbars.

The bill before you will authorize DATCP to issue \$250,000 in grants annually to farm safety organizations like the National Farm Medicine Center, who can then use that money to reimburse farmers for part of the cost of retrofitting their tractors with rollbars. We hope this will result in more tractors retrofitted, and safer environments for our farmers.

Thank you for your attention to this bill, and I'm happy to answer any questions you may have.

REPRESENTING WISCONSIN'S 69<sup>TH</sup> ASSEMBLY DISTRICT

**Senate Committee on Agriculture, Revenue and Financial Institutions**  
**March 26, 2019**  
**Testimony on Senate Bill 35**  
**Rollover Protection Structures for Farm Tractors**

Presented by Karen Gefvert, Executive Director of Governmental Relations for the Wisconsin Farm Bureau Federation on behalf of Josh Klumb.

Joshua F. Klumb  
8089 Richfield Dr  
Marshfield, WI 54449-9663

My name is Josh Klumb and I am a fifth-generation farmer from Central Wisconsin. I farm with my wife, three children, and my parents on some of the ground that my great, great-grandfather homesteaded in 1883. The farm today consists of 300 tillable acres, 200 wooded acres, and 50 rented acres in the Town of Richfield, 4 miles south of Marshfield. We sold our dairy cows three years ago and now raise dairy steers and springers. We grow corn, beans, and hay. We sell surplus grain that is not needed to feed our own herd.

In 2013 the head of the National Farm Medicine Center at Marshfield Clinic, Dr. Matt Keiffer, persuaded us to install a Roll Over Protection Structure (ROPS) on two of our tractors. We chose the John Deere 2520 and 1530. We wanted to make the tractors safer to drive for everyone that uses them, especially the next generation of our family. I have volunteered as a firefighter and emergency medical responder in my community for the past 14 years and have seen too many accidents that could have turned out differently if ROPS had been installed.

The process was fairly simple, we told the dealer the model of the tractors and they made sure that those models were ROPS friendly. They ordered the parts and came out to our farm for the installation. It took less than three hours per tractor for installation. We paid \$580 out of pocket and the National Farm Medicine Center paid \$1,350 for the ROPS.

Every day is farm safety day for farmers. Unfortunately, accidents happen even with the best intentions.

Thank you.



16 North Carroll Street, Suite 900, Madison, WI 53703-2721  
608.258.4400 fax 608.258.4407  
145 University Avenue, W., Suite 450, St. Paul, MN 55103-2044  
651.228.0213 fax 651.228.1184  
[www.cooperativenetwork.coop](http://www.cooperativenetwork.coop)

March 26, 2019

To: Chair, Senator Howard Marklein and members of the Senate Committee on Agriculture, Revenue and Financial Institutions

From: David Ward, Director of Government Relations and Dairy, Cooperative Network

Re: Support for Senate Bill 35

Cooperative Network is a two state trade association which serves as the voice for cooperatives in Wisconsin and Minnesota. Cooperative Network supports Senate Bill 35 which will provide grants for obtaining farm Tractor Rollover Protection Structures (ROPS). We would like to thank Senator Testin and Representative Kulp for reintroducing this legislation this session. Many of our cooperative members either service agriculture producers or are located in rural Wisconsin, and they are supportive of this measure.

The ROPS program was founded by the National Farm Medicine Center, part of Marshfield Clinic Research Institute, in 2012. Cooperative Network has worked with the National Farm Medicine Center and we think it's about time Wisconsin has a program that has worked to provide additional protection for agricultural workers. Cooperative Network supported similar legislation in Minnesota three years ago, which provided grants for a tractor rollover protection pilot program.

Thank you for your consideration, and we ask you to vote yes on Senate Bill 35.

## Testimony in Support of State Funding for a ROPS Rebate Program

Barbara Marlenga, PhD

March 26, 2019

Good afternoon. My name is Barbara Marlenga and I direct the Wisconsin Rollover Protection Structure (ROPS) Rebate Program out of the National Farm Medicine Center at Marshfield Clinic.

The National Farm Medicine Center was established in 1981 in response to occupational health problems seen in farm patients coming to Marshfield Clinic. The Center continues to focus its research and outreach on rural populations. Current safety and health priorities include children, beginning farmers and ranchers, and injury surveillance. Center scientists and staff address these issues with special expertise in injury prevention, public health, bioinformatics, nursing, anthropology, education, and communications. The National Farm Medicine Center is among the longest standing agricultural health and safety programs in the U.S.

The mission of the National Farm Medicine Center is to be a *national resource, conducting high quality research, developing and delivering health and safety information, exploring innovative service models, and effecting broad change to improve human health and safety associated with rural and agricultural work, life, and environments*. Consistent with our mission, the goal of the ROPS Rebate Program is to reduce deaths and disabling injuries on Wisconsin farms due to tractor rollovers.

Some key statistics supported our decision to start a ROPS Rebate Program in Wisconsin:

- Tractors are the leading cause of death on farms, most frequently due to side and rear overturns.
- For every rollover death, there are five non-fatal injuries, some of which result in permanent disabilities.
- The highest rate of these rollover deaths occurs in the Midwest and Northeast U.S.
- It is estimated that within 2 years of a tractor rollover death, 70% of those farms will go out of business. Thus, there is a high personal and economic cost to tractor rollover deaths.

A ROPS refers to an operator compartment usually a cab or frame intended to protect farmers from fatal injuries caused by a rollover. **A ROPS, when used with a seatbelt, is 99% effective in preventing injury or death in the event of a rollover.**

Unfortunately, more than half of the estimated 220,000 tractors in Wisconsin do not have a ROPS, which did not become standard on tractors until 1985. We believe the farmers most in need of ROPS for their tractors are young and beginning farmers, older farmers, and small-scale farmers.

The Wisconsin ROPS Rebate Program was launched in 2013 with seed money from the Auction of Champions, an annual farm safety fundraiser in Marshfield, Wisconsin. The ROPS Rebate Program has 3 components: 1) social marketing to motivate farmers to retrofit their tractors, 2) hotline and website assistance for farmers on ROPS availability and pricing, and 3) rebates of 70%, up to a maximum of \$865 on the cost of retrofitting (includes cost to purchase, ship, and install the ROPS).

We are in the 7th year of the ROPS Rebate Program, all funded by generous community donations. We have installed over 250 ROPS, mainly in Central and Western Wisconsin where our donor-base is located.

Unfortunately, community donations are not a sustainable way to run our program, as donations fluctuate from year to year and donors are interested in donating to new causes and different safety initiatives.

Our goal with the Wisconsin ROPS Rebate Program was to create a program that effectively reached farmers, made them aware of the safety and efficacy of the program, and provided them a pathway to make the investment in their safety and well-being.

The *American Journal of Public Health* recently published a study on the efficacy and cost-effectiveness of the State of New York's ROPS program, which is nearly identical to our program, but funded with state dollars. The analysis concluded that the intervention model used in New York, which is the same in Wisconsin, combining social marketing, hotline/website assistance and rebates, is effective from both a public health and economic standpoint. As it relates to the economic impact, the study found that the savings from costs averted by preventing injuries was four times the investment. Those savings continue to multiply as the tractor remains in service.

We ask the State of Wisconsin to invest in this public health and safety issue, so we can continue to improve the safety and health of Wisconsin's farmers. This is a highly effective program, with proven results and with the right resources can solve a public health problem impacting one of our state's most important economic engines.....our farmers.

Thank you in advance for your support.



**P.S.** Several farmers who participated in the ROPS Rebate Program wanted to voice their support for SB35, but were unable to attend the Public Hearing. I have attached their letters here, to ensure their support is acknowledged.

March 6, 2019

Dear Senator Testin and Representative Kulp:

I retrofitted my 1969 John Deere 3020 tractor through the Wisconsin ROPS Rebate Program in 2018. The financial support made it possible to make my tractor safer for not only myself and son and daughter in law, but for my 11 year old grandson who will soon be learning to operate the tractor. Due to the hilly conditions of our farm acreage, I always considered installing a ROPS on some of our tractors, but due to the cost I was not financially able to afford it. I hope to continue to retrofit the remainder of my tractors through the program, but understand I can only apply for one Rebate per year.

I support the bill to continue the Wisconsin ROPS Rebate Program, I hope you will too.

Steve Larsen  
301 Kelly Dr.  
Denmark Wisconsin 54208



March 8, 2019

Dear Senator Testin and Representative Kulp,

In 2018 I retrofitted my Massey Ferguson 65 farm tractor through the Wisconsin ROPS Program. This would have been difficult to do without the ROPS Rebate assistance.

I graduated in 1964 from a small high school with an enrollment of about 200 students (Wonewoc-Center) and I personally know of three fellow students who died in rollover accidents involving farm tractors with no rollover protection. Tractors in that era did not have ROPS available and many of those vintage tractors are still being used in my neighborhood. I'm now an old man but I have 2 sons-in-law that come and help on the farm. I'd sure hate to see anything happen to them. Not only should this program continue but it should get more publicity so tractor owners know about it. What better investment for the State of Wisconsin than to save lives.

Vern Schaller  
3602 Sunset Lane  
Rhinelanders, WI 54501

March 5, 2019

Dear Senator Testin and Representative Kulp,

I retrofitted my John Deere 2510 through the Wisconsin ROPS Rebate Program. The financial support provided by this program made it possible to afford, my tractor safer to operate and the benefit it can provide possibly priceless in the event of an overturn.

Sincerely,

Gary Krumenauer  
17245 County Hwy OO  
Chippewa Falls, WI 54729

3/9/2019

Dear Senator Testin and Representative Kulp;

I retrofitted my tractor through the Wisconsin ROPS Rebate Program. The financial support made it possible to make my tractor safer to operate for me and my family.

I decided to add a ROPS to my tractor as it was the only tractor on the farm that did not have one. I have two young kids that will be operating this tractor in years to come and safety is my number one priority for them as well as myself.

I support this bill to continue the Wisconsin ROPS Rebate Program; I hope you will too.

Gordie Seegert  
N2220 Gibbons Road  
Oostburg Wi 53070

March 7, 2019

Dear Senator Testin and Representative Kulp;

I hope to see the ROPS Program continue. For many years, I could not bring myself to spend almost a \$1000.00 to retrofit my 1968 JD tractor. Even if it was for my own safety. After becoming a father and looking forward to the day when my sons would be able to operate this same tractor, I seriously questioned my judgement about not putting a ROPS structure on the tractor. I happened to find the info about the rebate program. The process was simple to complete and after finding out my final cost was about \$300.00 it became a non-issue of whether I should. Every day that I watch my oldest son operate this tractor, there is one less thing concerning his safety that I need to worry about. I will also have a 2nd son operating this tractor in the not so distant future. The ROPS Program is a great opportunity for Wisconsin farmers to place a valuable safety item on their equipment. THANKS AGAIN!

James Fuchs  
Hillsboro, WI

**Strong, Secure Families -  
Sustainable Communities**

Serving Barron, Chippewa, Dunn, Pepin, Pierce, Polk and St. Croix Counties.

Peter H. Kilde  
Executive Director



March 8, 2019

Dear Senator Testin and Representative Kulp;

I am writing today in support of the proposed ROPS legislation while wearing two hats. The first hat is that of a small farm operator who last spring retrofitted my tractor through the Wisconsin ROPS Rebate Program. I farm with two of my three daughters raising grass-fed beef on permanent pastures, so we only have need for a small and older tractor. But because our 1970s tractor had no ROPS system and our operation couldn't justify that expense, I didn't want to train my daughters on the tractor as I didn't think it was safe. Thanks to this program I am now able to train in this next generation to operate our small tractor safely.

My other hat is my day job; directing a rural community action agency doing poverty alleviation work in seven western Wisconsin counties. Many of the low income families we serve do live on economically marginal farms where older, non ROPS equipped tractors are more likely to be the norm. If this legislation is passed, we would be very pleased to help spread the word in this population so that being low income does not also have to mean being less safe on the farm.

So, I very strongly support this bill and hope you do as well.

Regards,

Peter H. Kilde Executive Director West CAP

525 Second Street, Box 303, Glenwood City, WI 54013  
Phone: 715.265.4271 Fax: 715.265.7031  
[www.westcap.org](http://www.westcap.org)

Member: Community  
Action  
Partnership

March 8, 2019

Dear Senator Testin and Representative Kulp,

Please accept this email as an expression of my support for continuing the ROPS Rebate Program!

The previous financial support from this program allowed me to retrofit my tractor and make it safer for my family and I to operate. I fully understand the risks of rollover accidents having served in law enforcement for 41 years.

Again, please continue to support the ROPS Rebate Program!

Thank you,

Roger D. Leque  
207 Blackhawk Drive  
Woodville, WI 54028

March 7, 2019

Dear Senator Testin and Representative Kulp;

Early in 2018, we retrofitted one of our two John Deere 2940 tractors through the Wisconsin ROPS Rebate Program. In fall we did not use the program, but completed the installation for the second of the two also.

We appreciated the financial support for the first that made it possible to make our tractor safer to operate for everyone here on the farm . If possible, a refinement of the program which allows options for the installation of the safety feature in order to reduce the installation costs would be helpful.

We support this bill to continue the Wisconsin ROPS Rebate Program. We hope you will too.

Sincerely,

Lana Ossmann  
Emerald Acres  
5795 Dickinson Rd.

03/06/2019

Dear Senator Testin and Representative Kulp,

I purchased a 1971 John Deere 4320 a few years back, and decided to put a ROPS on it just for safety reasons. I realize how much safer they make a tractor, and with my sons helping me make hay on the farm, I wanted to add the ROPS for sure.

I found the program at a local dealership and applied and got the grant to put it on. I am glad I did, just for the safety reasons of it. I know the ROPS must be pretty important because the local John Deere dealership where I am employed wont even take one of these older tractors on trade unless it has a ROPS on it. They say their insurance will not let them take a tractor without it in on trade.

I have since purchased a 1964 John Deere 4020 and hope to use the program this spring to put a ROPS on it as well.

I support this bill to continue the Wisconsin ROPS Rebate Program, and I hope you will as well.

Thank You!  
Curt Fuller  
6714 County Rd O,  
Rudolph Wi, 54475





## **Testimony in Support of State Funding for a ROPS Rebate Program**

**Melissa Ploeckelman**

**March 18, 2019**

Good Morning. My name is Melissa Ploeckelman and I am the Outreach Specialist for the Wisconsin ROPS Rebate Program.

I was born on a farm in central Wisconsin where safety was a large part of our daily routine. Although I knew the importance of Rollover Protection Structures the price was too high and prior to starting my job as the Outreach Specialist in June 2017, I had not heard about the Wisconsin ROPS Rebate Program. However, after hearing about the program I have become very excited about sharing the message with everyone around our great state.

As an Outreach Specialist, I talk to a lot of farmers about the ROPS Rebate Program, and they like to tell stories. I would like to share two stories I heard at a conference that emphasize the effectiveness of ROPS and the great need for a ROPS Rebate Program in Wisconsin.

Mark recently bought a Kubota tractor that came with a ROPS and a seatbelt. He was mowing a ditch and hit an unexpected bump. He rolled the tractor 360 degrees and it landed back on the wheels. Mark did not think he would ever rollover a tractor. He knew how to drive a tractor and had been doing it well over 40 years. Mark had a few bruises but asked his buddies, can you imagine what would have happened if there hadn't been a rollbar, or if I had chosen not wear my seat belt? Turns out he drove away from the spot without ever needing to even get off the tractor. The ROPS saved his life. Without it, Mark would not have been around to share his story with me.

The second story emphasizes the great need for a ROPS Rebate Program in Wisconsin. A husband and wife came up to a booth I was running to sign up for a ROPS on their tractor. The wife said that they would like to sign up for ROPS for 10 tractors. She said, "We didn't think about it before but after seeing the flyer about the ROPS Rebate Program, we would like to put ROPS on all the tractors on the farm." I explained we can only retrofit one tractor per year for a single farm. The wife said they would just have to install one ROPS a year for the next ten years and the husband proceeded to sign up for the ROPS Rebate Program to get a ROPS on his first of 10 tractors.

These stories are the reason I am here today asking you to help us continue to fund the ROPS Rebate Program. ROPS are effective in preventing injury and death as shown in



the first story and the family in the second story needs the program to stay around for the next 10 years so they can retrofit all of their tractors with life-saving ROPS.

Thank you so much for your time and consideration of this program to help all of our Wisconsin Farm Families.

Good afternoon and Thank you for allowing me to testify this afternoon on a topic that is very important to the Wisconsin Fire Service as well as to our partners in Agriculture and Agricultural Safety.

I am Jerry Minor – Chief from Pittsville Wisconsin my fire protection area encompasses the 24<sup>th</sup> Senate District (Senator) Testin as well as a corner of Senator Berneirs 23<sup>rd</sup> District and Assembly Rep Nancy Vandermer's 70<sup>th</sup>. Assembly District in Wood County. I have been a firefighter / EMT now for 40 years and am currently the Chief of the Pittsville Fire Department.

Author Ted Hayes and a fire service risk consultant by the name of Gordon Graham made the statement you are going to hear over and over– *"If it's predictable – it's preventable"*. How many times have we heard the statement "only if they had a Rollover Protection System in place" it's too late after it happens and a rear end rollover only takes 1 – 1.5 seconds to occur. Not enough time to make a difference. Today we are taking the time to make a difference.

The definition / description of a ROPS or Rollover Protection system is a device and or mechanisms used to keep the operator of a vehicle (tractor) from becoming crushed underneath the vehicle if it should rollover. Therefore a roll bar – or crush proof cab and a seatbelt.

If a tractor has an end over rollover there is a 95% chance the operator without ROPS will be killed – If they have a side rollover they have a 65% chance the operator without ROPS will be killed. These are highly accurate and undisputed statistics.

During my career my department has responded to thousands of calls including many on our local farms. We rarely go to accidents involving tractors with rollover protection – on the other hand we see plenty of accidents without rollover protection – most of these end up as fatalities 95 +% of the time.

Farmers in general are 8 times more likely to die on the job than other American workers – A tractor overturn is the major cause of death. If a farmer is fortunate to survive a rollover he/ she has a 1 in 7 chance of permanent disability. More than 50% of the tractors operating in Wisconsin do not have ROPS. These are statistics we need to and can change! A rollover with ROPS (which includes wearing a seatbelt) is 99% effective in saving a life and preventing injury. *“If it’s predictable –it’s preventable”*

The loss of a farmer and a local business is a much larger event than you might think. After a tragedy such as this – 7 out of 10 Farms will be out of business within 5 years. Loss to a municipality / township or village can be over a million dollars or more per year dependent on the activity level of that farm. Our farmers today are under tremendous stress to keep their operations running – all of the support we can supply them especially this bill will help keep them safe and in operation. I really don’t think that’s a lot to ask.

The National Farm Medicine Center has been a part of a ROPS rebate program for several years, this program has been primarily funded by donations from a local fundraiser in Central Wisconsin. This program needs a much wider financial support base than what they currently have. To date they have assisted with over 250 ROPS retrofits, there are many more of them out there.

A tractor rollover is a very complex rescue, it requires time, multiple personnel, specialized training and time to do it safely for the patient as well as the rescuers. My preference would be to prevent the accident from happening in the first place.

We are asking you to take the time NOW to support this legislation. For the sake of our Wisconsin Farmers and firefighters that need to respond to these dangerous calls please help move this legislation forward...  
Because if it's predictable it's preventable.

Thank you

A handwritten signature in black ink, appearing to read "Jay Miner". The signature is written in a cursive style with a large, sweeping initial "J" and "M".