



TONY KURTZ

STATE REPRESENTATIVE • 50th ASSEMBLY DISTRICT

Testimony before the Assembly Committee on Agriculture
Assembly Bill 440
Rep. Tony Kurtz

Good morning, Chair Tranel and committee members. Thank you for holding this hearing today on Assembly Bill 440.

AB-440 authorizes the Department of Transportation (DOT) to issue permits for the transportation of fluid milk product in vehicle combinations that exceed general highway weight limitations. The bill also prohibits DOT from imposing different conditions for these permits for different fluid milk products. "Fluid milk product" is defined to include raw milk and liquid milk products and byproducts, including liquid whey and whey byproducts.

These changes will support growth in our dairy industry and provide need updates to dairy hauling regulations. Each day, over 88 million pounds of milk moves from Wisconsin's dairy farms to processing plants, with 90 percent of that milk destined to be made into cheese. Given the constant state of production and perishability of milk, the State of Wisconsin allows haulers to get permits to exceed weight limits when transporting milk. Haulers also need to move an abundance of liquid whey – a byproduct of the cheesemaking process. Whey has long been used as animal feed and fertilizer, but today the bulk of whey is further processed for sale as protein powder and other value-added dairy ingredients.

Assembly Substitute Amendment 1 addresses concerns raised by DOT to clarify this is for transportation between processing facilities, not for final packaged milk products. Additionally makes clarifications to ensure we don't risk federal sanctions or funding.

This bill will allow our dairy farms and producers to increase sustainability, helps address a truck driving labor shortage, increases competitiveness with neighboring states and ensures public safety all while supporting one of our most important and valuable industries in Wisconsin.

Thank you for your consideration of Assembly Bill 440, I'm happy to answer any questions at this time.



**Assembly Bill 440: Overweight Transport of Certain Fluid Milk Products
Assembly Committee on Agriculture
Testimony of Senator Joan Ballweg
November 21, 2023**

Thank you, Chair Tranel and members of the committee, for hearing this legislation about the transportation of fluid milk products, including whey.

Each day, over 88 million pounds of milk moves from Wisconsin's 5,943 dairy farms to its more than 200 processing plants, with 90 percent of that milk destined to be made into cheese. Given the constant state of production and perishability of milk, the State of Wisconsin allows haulers a maximum gross vehicle weight (GVW) of 98,000 pounds when transporting milk. Haulers also need to move an abundance of liquid whey – a byproduct of the cheesemaking process. Whey has long been used as animal feed and fertilizer, but today, the bulk of whey is further processed for sale as protein powder and other value-added dairy ingredients.

Assembly Bill 440 updates Wisconsin's dairy hauling regulations by adding liquid milk byproducts, including whey, as part of the definition of dairy products that can be transported at higher weight limits.

There are numerous benefits to allowing whey to be transported at a higher weight level. This will significantly reduce the number of trucks on the road and save on fuel costs. There is a labor shortage of truck drivers that will only grow, which is particularly difficult for the dairy industry since fleets must operate continuously. With less trucks on the road, companies can more efficiently utilize the number of drivers available to transport more product. This change will also allow Wisconsin's dairy industry to compete against other states like Iowa, Michigan, and Minnesota, which allow heavier weight limits on the road for dairy products. Lastly, it is safer for milk haulers to operate with a full tank, rather than a partial tank, to prevent liquid from sloshing around.

We worked with the Department of Transportation (DOT) and stakeholders to draft an amendment to address several points raised by the DOT. The amendment includes the following:

- additional language to ensure the state is aligned with federal regulations and does not risk federal funding;
- clarification that this is for hauling between processing facilities, so it cannot be used for finished consumer products at higher weight limits like gallon jugs of milk going to a retailer;
- consistent language from similar statutory provisions on penalties for violating the permit;



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STATE SENATOR • 14TH SENATE DISTRICT

- amended language to maintain DOT's ability to nimbly react when they need to make adjustments to permits in situations like floods, fires, major traffic incidents, etc.; and
- striking current statutory language regarding weight compliance. DOT states "this change would insure the vehicles operating under the permit are operating within the statutory weight provisions allowed."

The senate companion bill (SB 431) passed as amended on a voice vote during the November 14th senate floor session.

This bill is supported by the Wisconsin Cheese Makers Association, Wisconsin Farm Bureau Federation, Cooperative Network, Dairy Business Association, and numerous other agriculture and transportation-related organizations.

Thank you for your consideration.



Assembly Committee on Agriculture
November 21, 2023

Testimony of Amy Winters, Executive Director of the Wisconsin Dairy Products Association on AB 440 pertaining to permits for the overweight transportation of fluid milk products.

Chairman Tranel, members of the committee, thank you for the opportunity to provide comments on Assembly Bill 440.

The Wisconsin Dairy Products Association (WDPA) represents the largest segment of the dairy processing industry in Wisconsin. Our members include both dairy plants and support industries like milk haulers, manufacturing partners, scientists, and others in the supply chain.

The increased weight limits that would be allowed under Assembly Bill 440 would be a significant help to many of our members. With fuel, utility and infrastructure costs substantially increasing every year, processors need to continually find ways to increase efficiency.

Allowing more fluid milk products, including whey, to be transported with higher weights that are the same as their fluid milk load will allow processors to take significantly fewer trips, saving on fuel and truck maintenance. The dairy industry is firmly committed to decreasing carbon emissions and has set a goal to achieve greenhouse gas neutrality by 2050; this bill will also help achieve that goal.

In addition to decreasing costs for processors, increasing safety, and making the transportation of fluid milk products more sustainable, the bill will also provide less wear and tear on Wisconsin roads. Studies in Minnesota, Wisconsin and Iowa all confirm that a 98,000 lbs six axle weight configuration has a lower load equivalency factor and causes less road damage than the current 80,000 lbs on 5 axle configuration for fluid milk products. The 98,000 on six also does not increase stress on bridges. This bill will help Wisconsin's dairy industry as the state's transportation infrastructure.

We ask for your support of this important measure that will help to make Wisconsin more competitive in the marketplace by reducing input costs of transporting and processing our fluid milk products that are currently not being hauled efficiently. The impact of this legislation would be transformative to the dairy industry and its ability to be profitable, competitive and sustainable.



"Wisconsin's Milk Moo-ver"

CHAIR
Jerrold Schroeder
Schroeder Milk Transit

VICE CHAIR
Tim Neubauer
Tim Neubauer Trucking

Testimony in support of Assembly Bill 440
Assembly Committee on Agriculture
November 21, 2023

Chairman Tranel and Committee Members,

Thank you for the opportunity to speak to you today and share our support for Assembly Bill 440.

My name is Dan Johnson and I am the Administrator for the Wisconsin Milk Haulers Association, the statewide advocate for the milk hauling industry since 1957.

Each month, milk haulers move more than 2.4 billion pounds of raw milk from Wisconsin's 6,500 dairy farms to one of the many processing plants across the state. Milk haulers are a key component of Wisconsin's \$45 billion dollar dairy industry and must ensure the transport of raw milk from farm to processor is performed in a safe, efficient and timely manner.

Milk is a necessary food product which is transported 365 days a year with no stoppage. Dairy farms are increasing in size but milk haulers are finding it more difficult to do so with no comparable increase in the allowable truck weight capacity. Adding to the problem is the growing trend of fewer drivers to transport milk products. Assembly Bill 440 would allviate those issues by providing an oversize/overweight permit for both fluid milk products and whey products, which could create a 20% reduction in transport time.

Under the newly-enacted Agricultural Roads Improvement Grant program, local roads across Wisconsin used for agricultural purposes will soon be improved and upgraded to sustain heavier truck loads. The Wisconsin Milk Haulers Association greatly appreciates the efforts by the Legislature and Governor for that critical funding law. AB 440 would dovetail into that new law and allow milk haulers to move more product more efficiently without jeopardizing local road infrastructures.

Wisconsin is 'America's Dairyland' and consumers rely on dairy products to be readily available in grocery store and restaurants. We have all witnessed supply chain issues over the last few years that have crippled the state and national economy. It would be extremely detrimental to Wisconsin's economy and image if milk and dairy products were added to the growing list of supplies less available to consumers. Those challenges are the reason why this legislation is necessary.

The Wisconsin Milk Haulers Association appreciates the work by the authors and co-sponsors of Assembly Bill 440 and hopes this committee will give it all due consideration and eventual support.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "D.J. Johnson", is written over a faint grid background.

Dan Johnson
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**Testimony of WisDOT Assistant Deputy Secretary Joel Nilsestuen
Before the Assembly Committee on Agriculture**

November 21, 2023

RE: Assembly Bill 440, relating to permits for the overweight transport of certain fluid milk products.

Thank you Representative Tranel, and members of the committee for your consideration of the department's input on Assembly Bill 440, relating to permits for the overweight transport of certain fluid milk products. Likewise, the department appreciates the willingness of the authors and stakeholders to work with us on amendment language to resolve concerns we have with Assembly Bill 440.

The Department believes there is benefit to a 98,000 pounds on six-axle configuration for oversize, overweight (OSOW) loads. This configuration reduces the total number of trips and has less impact to pavement and structures than other OSOW configurations and weights. Furthermore, we appreciate the benefit to Wisconsin's industry, especially during times of tight labor markets and volatile fuel prices.

The primary concern WisDOT has with Assembly Bill 440 is the potential to jeopardize federal highway funding. Annually, the Department must certify to the Federal Highway Administration that we are enforcing federal size and weight limits or risk reduction in funding. Amending the bill to include a prohibition of operation on the interstate and national defense highways except to the extent permitted by federal law would alleviate this concern. The department has consulted with the bill authors and stakeholders on this issue, and we appreciate the opportunity to resolve this major concern.

Additionally, clarification via amendments of eligible loads and routes will benefit industry while making enforcement less burdensome for Wisconsin State Patrol inspectors.

Thank you for your time and consideration today and we stand ready to answer any questions committee members may have.